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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

PART 210—OPERATIONS OF THE LOYALTY REVIEW BOARD

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

The following material is added to Appendix A.

In a letter dated September 26, 1949, the Attorney General has advised the Loyalty Review Board that the Workers Party announced in its official organ, "Labor Action" of April 1949, that at the fifth national convention it had voted to relinquish the name of the Workers Party and adopt the name of the Independent Socialist League. The Workers Party was included in the list of organizations declared to come under the purview of Part III, section 3 of Executive Order No. 9835 by the Attorney General in his letter to the Board dated November 24, 1947. He states that the new organization, Independent Socialist League, which represents but a change in name and is devoted to the same aims and purposes of its predecessor, the Workers Party, is designated as coming within the same categories of Executive Order No. 9835 as the Workers Party itself.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR, 1947 Supp.)

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL
SERVICE COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 49-8041; Filed, Oct. 5, 1949; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Organized Reserves

PART 861—OFFICERS' RESERVE CORPS

APPOINTMENT OF LIEUTENANTS IN REGULAR COMPONENT, U. S. AIR FORCE

Pursuant to the authority conferred by secs. 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup. II, 626 (f) 626c (e) and Transfer

Order 10 (13 F. R. 2428), the following regulation is hereby prescribed:

APPOINTMENT OF LIEUTENANTS IN REGULAR COMPONENT, UNITED STATES AIR FORCE

Sec.
861.101 General.
861.102 Definitions.
861.103 Eligibility.
861.104 Method of application.
861.105 Grade determination.
861.106 Channels of communication.

AUTHORITY: §§ 861.101 to 861.106 issued under sec. 502, 61 Stat. 583, sec. 506, 61 Stat. 890, sec. 203, 62 Stat. 371; 10 U. S. C. Sup. II, 506, 506c, 5 U. S. C. Sup. II, 627b.
DERIVATION: AFR 36-5, August 17, 1949.

§ 861.101 *General.* Commissioned officers of the Reserve Forces of the United States on extended active duty, and who otherwise qualify as prescribed in §§ 861.101 to 861.106, may apply, or re-apply for appointment in the United States Air Force. No person may apply more than three times subsequent to June 16, 1948, under the provisions of §§ 861.101 to 861.106. Each applicant will be processed through an Air Force screening center after completion of a minimum of six months of active commissioned Federal service with the Air Force in current tour of extended active duty. This screening will normally be accomplished during November and December.

§ 861.102 *Definitions.*—(a) *Reapplicant.* An applicant for appointment who has previously been screened (completed a biographical information blank and appeared before an interview board) in connection with an application submitted under the provisions of §§ 861.101 to 861.106.

(b) *New applicant.* Any applicant under the provisions of §§ 861.101 to 861.106 other than a reapplicant.

(c) *Immediate superior.* That officer responsible for preparation of an applicant's effectiveness reports in compliance with current regulations.

(d) *Air Force commander.* The commanding general of a geographic air force of the Continental Air Command, or the senior Air Force commander in an overseas command, in which an applicant is assigned for duty.

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§ 861.103 *Eligibility.* No person will be appointed in the Regular component of the United States Air Force until he has attained his 21st birthday. To be eligible to apply for appointment in the United States Air Force, under the provisions of §§ 861.101 to 861.106, an applicant must:

(a) Have completed a minimum of 12 months of active Federal commissioned service in any component of the Armed Forces of the United States as of date of application.

(b) Be on extended active duty as a commissioned officer of any component of the Air Force of the United States (other than chaplains and members of the Medical Service, or, may be on extended active duty as a commissioned officer of any component of the Army of the United States (other than chaplains and members of the Medical Department) provided he is assigned to duty with the Air Force (Special Category Army Military Personnel with Air Force)

(c) Be on extended active duty at time of screening.

(d) Be a citizen of the United States and of good moral character.

(e) Meet one of the following age requirements:

(1) An applicant who served in any of the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, and Coast Guard—all components) prior to September 2, 1945, may apply, provided he has not passed his 30th birthday as of July 1 of the year in which application is submitted.

(2) An applicant who was not a member of any of the Armed Forces of the United States prior to September 2, 1945, may apply, provided the period of time from his date of birth to date of appointment in the Regular component will not exceed 27 years by more years, months, and days than he has performed active Federal commissioned service since December 31, 1947, in any component of the Air Force or Army of the United States but not by more than five years.

(f) Not be nor have been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating subversive policy, or seeking to alter the form of government of the United States by unconstitutional means.

(g) Have successfully completed 60 semester hours or 90 quarter hours of formal education leading toward a baccalaureate degree, or, have successfully completed the Educational Qualification Test, 2CX as of date of application.

§ 861.104 *Method of application*—(a) *New applicant.* (1) A new applicant may apply at any time he qualifies under the provisions of § 861.103. The new applicant will submit a complete formal application to his immediate superior on Air Force Form 17, Application for Commission in the United States Air Force, in duplicate. Each applicant must submit a loyalty statement in accordance with the provisions of current directives.

(2) The applicant will attach to his application an official transcript of the required college or university credits or, the original or a photostat of the certificate of satisfactory completion of Educational Qualification Test, 2CX. (This test may be taken from the local arman information and education officer.)

(3) Applicants will advise the Director of Military Personnel, Headquarters United States Air Force, Attention: Officer Procurement Branch, Personnel Procurement Division, Washington 25, D. C., in writing, of any permanent or temporary change of station in excess of 30 days between date of submission of application and date of appointment or notification of rejection. (Failure to accomplish this notification may result in the applicants not being screened.)

(4) Each applicant will present himself for screening at the scheduled time and place.

(b) *Reapplicant.* (1) A reapplicant may apply after one year has elapsed since the date of previous application, provided he is otherwise qualified under the provisions of § 861.103. The reapplicant will plainly mark his application, Air Force Form 17, Application for Commission in the United States Air Force with the word "Reapplicant" at top of page one, on both copies.

(2) Each reapplicant will comply with the provisions of subparagraph (1) of paragraph (a) of this section, except that in item 12 of section II of his appli-

cation, there will be listed only the names of superior officers under whom he has served since date of last application under the provisions of §§ 861.101 to 861.106.

(3) Each reapplicant will comply with subparagraph (2) of paragraph (a) of this section, unless one of the two documents required by subparagraph (2) of paragraph (a) of this section was attached to a previous application, under the provisions of §§ 861.101 to 861.106.

(4) Reapplicant will comply with subparagraphs (3) and (4) of paragraph (a) of this section. Reapplicants will be reprocessed through Air Force screening centers.

(c) *Application deadline.* Applicants who submit their applications to reach Headquarters United States Air Force on or before October 15 of a given year will be processed during the screening period of November and December of that year. Applicants who submit their applications to reach Headquarters United States Air Force after October 15 will be processed during the screening period of November and December of the following year.

§ 861.105 *Grade determination.* All persons appointed in the Regular component under the provisions of §§ 861.101 to 861.106 prior to January 1, 1951, will be appointed in the permanent grade of second lieutenant. After January 1, 1951, any person appointed under the provisions of §§ 861.101 to 861.106 who, on date of appointment, has completed a minimum of three years of active Federal commissioned service in any component of the Air Force or Army of the United States since December 31, 1947, and after reaching his 21st birthday will be appointed in the permanent grade of first lieutenant. All other persons appointed after January 1, 1951, will be appointed in the permanent grade of second lieutenant.

§ 861.106 *Channels of communication.* In all cases the immediate superior of the applicant will forward the application in duplicate and all allied papers direct to the Director of Military Personnel, Headquarters United States Air Force, Attention: Officer Procurement Branch, Personnel Procurement Division, Washington 25, D. C., not later than five days after receipt. After receipt of applications from the immediate superiors, the Director of Military Personnel, Headquarters United States Air Force will initiate action to procure Officer Evaluation Reports for all applicants and on or about October 15th, forward the duplicate application of each reapplicant and of each new applicant who has completed the six months of service on current tour to the appropriate Air Force commander. Upon receipt of duplicate applications from Headquarters United States Air Force, the Air Force commander will select the appropriate screening centers and forward the duplicate to the com-

manders thereof for screening. After receipt of duplicate application from the Air Force commander, the screening center commander will schedule each applicant for screening so that screening will be completed by December 15th and notify the applicant's organization commander in writing of the screening appointment and request that he take action to have orders issued directing the applicant to report for screening at the specified time. Upon written notification by the screening center commander, the applicant's organization commander will notify each applicant of his screening appointment and have orders issued directing each applicant to report at the scheduled time and place for screening. After receipt of completed screening documents and duplicate applications from screening center commanders, the Director of Military Personnel, Headquarters United States Air Force will:

(a) Take necessary action to procure Officer Evaluation Reports from superior officers whose names were added to the applications during screening.

(b) Compute a composite score for each applicant.

(c) Forward applications to the Director, Air Force Personnel Council, Office of the Secretary of the Air Force for consideration.

(d) Tender appointments to selected applicants.

(e) Notify rejected applicants of their nonselection.

[SEAL]

L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-8363; Filed, Oct. 5, 1949;
8:43 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1736, Amst. 1]

PART 161—FEDERAL RANGE CODE FOR GRAZING DISTRICTS

PROCEDURE IN APPLICATIONS, HEARINGS AND APPEALS AND PROCEDURE FOR ENFORCEMENT

Sections 161.9 (a) and (c) and 161.11 (d) as set forth in Circular 1736, (14 F. R. 5509) are hereby corrected so that wherever the words "regional grazer" appear the words "regional administrator" will be substituted therefor, and wherever the words "district grazer" appear the words "range manager" will be substituted therefor.

ROBERT E. BILL,
Associate Director.

Approved: September 30, 1949.

OSCAR L. CHAFFIN,
Acting Secretary of the Interior.

[F. R. Doc. 49-8363; Filed, Oct. 5, 1949;
8:43 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 70]

POULTRY AND DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

GRADING, INSPECTION, AND U. S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES; EXTENSION OF TIME

Regulations governing the grading and inspection of poultry and domestic rabbits and edible products thereof; United States specifications for classes, standards, and grades with respect thereto; revocation of Parts 54 and 56 and certain provisions of Part 55.

On September 14, 1949, notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 49-7408; 14 F. R. 5626) regarding proposed rules governing the grading and inspection of poultry and domestic rabbits and edible products thereof, and United States specifications for classes, standards, and grades with respect thereto, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., 1st Sess., approved June 29, 1949). Notice is hereby given that the aforesaid proposed rules and specifications are amended in the manner hereinafter set forth and the time extended for submitting written data, views or arguments.

The amendments contained herein have received thorough consideration throughout the country at numerous conferences held with representatives of industry and college and State Departments of Agriculture.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals (14 F. R. 5626) as hereby amended should file the same in triplicate with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, U. S. Department of Agriculture, Room 2702 South Building, Washington, D. C., not later than 25 days after publication in the FEDERAL REGISTER.

The proposed amendments are as follows:

a. The provisions in § 70.1 (c) shall read as follows:

(c) "Edible poultry by-product" means any giblets or any edible part of dressed poultry other than eviscerated poultry.

b. The provisions in § 70.1 (r) shall read as follows:

(r) "Eviscerated poultry" means any dressed poultry from which the pin feathers, vestigial feathers (hair or down, as the case may be) head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs, and lungs have been removed and, with or without the giblets, is ready to cook without need of further processing.

c. The provisions in § 70.1 (z) shall read as follows:

(z) "Inspection," "inspection service," or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with regulations in this part, (1) the condition and wholesomeness of dressed poultry or dressed domestic rabbits, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product. In addition to the foregoing, the term "inspection" or "inspection service" shall mean any inspection by an inspector to determine, in accordance with regulations in this part, the condition of dressed poultry and dressed domestic rabbits.

d. The provisions in § 70.1 shall contain a new paragraph (uu) as follows:

(uu) "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

e. The provisions in § 70.3 (d) (1) shall read as follows:

(1) *For condition only*. With respect to any official plant, dressed poultry and dressed domestic rabbits, as such, may be inspected for condition only, shall be marked, or containers thereof marked for identification purposes, and appropriate inspection certificates issued with respect thereto as may be required by the regulations in this part.

f. The provisions in § 70.4 (d) shall read as follows:

(d) *Surrender of license*. Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader, the licensee shall promptly surrender his license to his immediate superior for cancellation.

g. The provisions in § 70.5 (e) (1) *Initial survey* shall read as follows:

(1) *Initial survey*. When application has been filed for grading service or inspection service, as aforesaid, an examination of the plant and premises shall be made by the regional supervisor, or his assistant, and the necessary facilities specified for the service. Appeals with respect to any such specification may be made to the national supervisor.

h. The provisions in § 70.5 (e) (2) shall read as follows:

(2) *Drawings and specifications to be furnished in advance of construction*.

Copies of drawings consisting of floor plans of space to be included in the official plant, showing the location of such features as the principal pieces of equipment, floor drains, and the routes of edible and inedible products through the plant, shall be submitted to the regional supervisor. The drawings should be prepared to scale, preferably 1/4 inch to a foot, and shall show all rooms and compartments which will be included in the official plant. Unless otherwise specified herein, the official plant shall include toilet and dressing rooms, inspector's office, store rooms for supplies used in the operations under grading and inspection, feeding rooms, and all rooms or compartments where products will be handled or kept, and may include other rooms or compartments located in the building or buildings comprising the official plant. Rooms or compartments, where completely packaged and labeled products are stored and no other handling or processing of products is carried on, may, when approved by the Administrator, be considered as outside the limits of the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant, this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, water supply, and drainage, and such other notations as the regional supervisor or his assistant may require, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without the regional supervisor's prior approval of the drawings.

i. The provisions in § 70.11 (b) shall contain a new subparagraph (4) as follows:

(4) Each dressed poultry condition certificate and each dressed domestic rabbits condition certificate shall show the class or classes of poultry or domestic rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition thereof.

j. The provisions in § 70.12 shall contain a new paragraph (f) as follows:

(f) *Marking dressed poultry and dressed domestic rabbits which were graded or inspected for condition only*. The Administrator is authorized to prescribe and approve the manner in which dressed poultry and dressed domestic rabbits which were graded, or inspected, for condition only may be marked for identification purposes.

k. The provisions of § 70.15 *Time of grading or inspection in an official plant* shall read as follows:

§ 70.15 *Time of grading or inspection in an official plant*. The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, of the hours when

such grading or inspection will be required. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

1. The heading and provisions in § 70.16 *Principles of sanitation* shall read as follows:

§ 70.16 *Minimum standards for sanitation, facilities, and operating procedures in official plants.* Except as otherwise provided herein, the provisions of this section shall apply in all official plants other than with respect to the grading of live poultry and live domestic rabbits. The table set forth in this section indicates the types of material which may be used in the construction of the equipment, utensils, and facilities for use in the plant.

GENERAL REQUIREMENTS

(a) *Premises*—(1) *Drainage.* There shall be an efficient drainage and plumbing system for the plant and premises, and all drains and gutters shall be properly installed with approved traps and vents. Such drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(2) *Sewerage and plant wastes.* (i) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(ii) If the sewage discharges into a stream, the flow of the stream must be sufficient at all times to carry the sewage away from the plant and premises.

(iii) Catch basins which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning such basins shall have inclined bottoms and be provided with suitable covers.

(iv) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(3) *Filth and odors.* (i) The premises shall be kept free of refuse, rubbish, waste material, and all other sources of objectionable odors; and insects and rodents shall, insofar as practicable, be excluded.

(ii) All feathers, blood, offal, birds and parts of birds too severely damaged to be salvaged, and all discarded containers and other materials shall be completely disposed of daily.

(b) *Plant exterior*—(1) *Construction.* The buildings shall be kept in good repair and shall be so constructed and maintained as to prevent the entrance or harboring of rodents.

(2) *Outside openings.* (i) The doors, windows, skylights, and other outside openings of the plant, except receiving rooms, and feeding stations and rooms, shall be protected by properly fitted

screens and other suitable devices against the entrance of flies and other insects.

(ii) Outside doors, except in receiving rooms, and feeding stations and rooms, shall be self-closing and so hung that not over $\frac{1}{4}$ " clearance remains when closed. Screen-doors shall open toward the outside of the building.

(c) *Plant interior*—(1) *Floor.* (i) All floors, except those in receiving rooms and feeding stations and rooms and floors which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other equally impervious material and kept in good repair.

(ii) The floors in killing, ice-cooling, ice-packing, and eviscerating rooms shall be graded to provide positive run-off with no standing water and shall pitch not less than $\frac{1}{4}$ of an inch per foot to drains.

(iii) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be so installed as to prevent sewage from backing up and from flooding the floor.

(iv) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 8 inches in diameter and shall be properly vented to outside air.

(v) Equipment that wastes water shall be so arranged as to connect directly to floor drain lines.

(2) *Walls and ceilings.* The walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them suitable of being readily and thoroughly cleaned.

(3) *Lighting and ventilation.* There shall be an abundant light, either natural, or artificial, or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(i) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(ii) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

(d) *Protection of products and equipment from contamination*—(1) *Handling operations.* (i) All handling operations conducted with respect to poultry products shall be such as will prevent contamination of the products.

(ii) Buildings and equipment shall be so designed and arranged as to minimize traffic through areas where poultry products are handled or stored.

(2) *Control of insects, rodents, and pets.* (i) Every practical precaution shall be taken to exclude flies, rats, mice, and other vermin from the plant.

(ii) Dogs, cats, and other pets shall be excluded from rooms where edible products and dressed poultry are processed, handled or stored.

(3) *Water supply.* The water supply shall be ample, clean, and potable,

except that used in condensers, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. With respect to water used in condensers, such water need not be potable.

(i) There shall be no cross-connection between the potable and non-potable water supply lines; and such supply lines shall be distinctly labeled and identified.

(ii) Hot water at a temperature of not less than 180° F. shall be available for sanitation purposes.

(iii) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(4) *Equipment and containers.* (i) Equipment and utensils used for preparing, processing, or otherwise handling any product in the plant shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of all products. So far as it is practical, such equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctively marked and shall not be used for handling any edible product.

(ii) All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

(iii) Equipment and utensils used in the plant shall not be used outside the official plant, except under such conditions as may be prescribed or approved by the national supervisor.

(iv) Equipment and utensils used for processing, preparing, storing, or otherwise handling any product shall be kept clean and in sanitary condition and in good repair.

(v) Equipment used in the preparation of any article (including, but not being limited to, animal food) from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

(vi) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(vii) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places in the plant where any product is prepared, stored, or otherwise handled.

(viii) The rooms and compartments in which any edible product is prepared or handled shall be kept free from dust and from odors from dressing and toilet rooms, catch basins, inedible products departments, and other rooms or places in the official plant or vicinity thereof.

REQUIREMENTS FOR ROOMS AND EQUIPMENT

(e) *General.* (1) All coops used for transporting live poultry to the plant should be cleaned regularly.

(2) All windows, doors, and light fixtures in the official plant shall be kept clean.

(3) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(4) The official plant should have separate rooms for each of the following operations, dependent upon the various types of operations conducted; but in no case shall the receiving or feeding of live poultry or killing operations be permitted in any room in which eviscerating operations are performed:

(i) The receiving and feeding of live poultry.

(ii) Killing, roughing, and pinning operations, and chilling and packing operations for dressed poultry.

(iii) Eviscerating operations. Finished pinning of dressed poultry and chilling and packaging of edible products may be performed in this room. Openings in walls for conveyor lines are permissible.

(iv) Inedible products departments.

(v) Refuse room.

(vi) Inspector's office.

(5) All rooms shall be of sufficient size to permit the installation of necessary equipment and utensils for processing operations and the conduct of such operations in a sanitary manner.

(f) *Live poultry receiving docks and receiving rooms; feeding station and feeding rooms*—(1) *Receiving docks and receiving rooms.* Live poultry receiving docks and receiving rooms should be of such construction as readily to permit their thorough cleaning; and such docks and rooms should be kept clean at all times.

(2) *Feeding stations and feeding rooms.* (i) Floors in feeding stations and feeding rooms should be thoroughly cleaned and with such regularity as may be necessary to maintain them in a sanitary condition.

(ii) Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. Batteries that are not made entirely of metal should be replaced with metal batteries whenever replacement becomes necessary.

(iii) Batteries and dropping pans should be cleaned regularly and the manure removed from the plant daily.

(iv) Feed mixers, feed tanks, feed buckets and all other similar implements should be of metal so as to permit thorough cleaning. The feed mixer should be cleaned daily.

(v) Metal refuse barrels with covers should be provided; and such barrels should be kept covered.

(g) *Killing, roughing, pinning, chilling, and packing rooms*—(1) *General.*

(i) The room shall be kept clean and free from offensive odors at all times.

(ii) Walls, floor, and all equipment and utensils shall be thoroughly washed and cleaned after each day's operation.

(iii) The floors shall be cleaned frequently during roughing and finishing operations and kept reasonably free from accumulated blood, feathers, manure, water, and dirt.

(iv) The pinning and finishing operations should be performed in a part of the room that is away from killing and roughing operations.

(v) All equipment and utensils used shall be of metal or other impervious material and so constructed as to permit proper and complete cleaning.

(2) *Blood disposal.* (i) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(ii) When bleeding troughs are used, they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at a rate of $\frac{1}{2}$ inch to the foot toward a metal or smooth concrete catch basin, or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

(iii) Blood from killing operations shall be confined to a relatively small area and kept from being splashed about the room.

(3) *Scalding tanks.* (i) A scalding tank, when used, shall be made of metal and have smooth surfaces, and be of such construction as to permit proper and complete washing and cleaning.

(ii) The scalding tanks shall be so constructed (including, but not being limited to, the use of a back flow preventor) as to permit water to enter continuously in at the bottom of the tank at the rate of $\frac{1}{4}$ gallon per bird per minute and to flow out through an overflow near the top.

(iii) The overflow outlet shall be of sufficient size to permit feathers and water to be carried off.

(iv) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain.

(v) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once each day.

(4) *Mechanical pickers.* (i) When used in the plant, mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

(ii) Where necessary, safety guards shall be installed around moving machine parts and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.

(iii) The mechanical pickers shall be thoroughly cleaned daily by proper scrubbing and hosing.

(5) *Pinning and finishing.* (i) When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Hoods or ventilators shall be provided over wax reclaimer.

(ii) Tables used in picking operations shall be made of metal.

(iii) In finishing and cleaning dressed poultry, all feed shall be removed from the crop and all fecal material in the cloaca shall be removed by venting, and such operations shall be completed prior to the chilling or packaging of dressed poultry.

(iv) The head of each dressed poultry carcass shall be washed thoroughly to remove all feed from the mouth and all blood from the head and mouth.

(v) In the final washing, the carcass shall be passed through a system of

sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(6) *Ice chilling.* (i) Chilling vats, or tanks, shall be made of metal or other hard-surfaced, impervious material, and, if practicable, emptied after each use. Such vats and tanks shall be thoroughly cleaned at least once daily and after the cleaning operation, shall be treated with a hypochlorite solution containing at least 100 p. p. m. of available chlorine, or with such other compounds or by such methods as may be approved by the Administrator.

(ii) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(iii) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F at all times during chilling. Any dressed poultry carcass weighing less than 8 pounds shall not be permitted to remain in a chilling vat or tank for longer than six hours unless the water is drained. Any dressed poultry carcass weighing 8 pounds or more shall not be permitted to remain in a chilling vat or tank for longer than eight hours unless the water is drained. Any such poultry carcass, however, shall not be allowed to remain in a chilling vat or tank after the internal temperature of the carcass has been lowered to 36° F unless the water is drained.

(iv) Ice shovels shall be of metal, smooth surfaced, free of corrosion, and kept clean. They shall be used for no other purpose and shall be stored off the floor.

(7) *Air chilling.* In air chilling, dressed poultry shall, unless dry picked, be passed through a spray of clean water immediately following the removal of the feathers, and then hung on racks. Thereupon the racks of dressed poultry shall be placed in a refrigerated room with moderate air movement and a temperature which will reduce the internal temperature of the carcasses to from 36° F to 40° F., both inclusive, within 12 hours.

(8) *Grading and packaging.* (i) Dressed poultry may be graded and packaged in the killing, roughing, pinning, chilling, and packing room.

(ii) Where grading bins are used for dressed poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of make-shift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(iii) When poultry is packed in ice in barrels or other containers, the barrels and containers shall be covered.

(iv) Immediately after packaging all dressed poultry, other than that which is ice-packed, or shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours may be permitted for

transportation and temporary holding before placing in the freezer provided such poultry is held at not above 36° F.

(9) *Freezing.* (i) When dressed poultry is packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The dressed poultry should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 60 hours. Any carcass weighing less than 8 pounds should freeze solid in from 30 to 40 hours, whereas a carcass weighing more than 8 pounds should freeze solid in from 48 to 60 hours. (The approximate highest temperatures which will attain this result under average to most favorable conditions are -10° F. with circulated air and -20° F. with still air; however, freezing temperatures of -20° F. to -40° F. are desirable.)

(ii) Frozen dressed poultry should be stored at 0° F. or below, with temperatures maintained as constant as possible.

(10) *Thawing.* (i) When frozen or chilled poultry is to be eviscerated, adequate tanks or vats shall be provided with running tap water or air-circulated water for thawing such poultry. Such poultry shall not be thawed in still water and the water used for thawing shall be changed after each lot of poultry is thawed. If water is heated, it shall not be heated above 70° F. The tanks or vats shall be equipped with properly installed overflow pipes to discharge the water over floor drains or a valley drain. Where mechanical devices are not used for removing thawed carcasses from the tanks or vats the tanks or vats, as the case may be, shall be of such size as to enable employees to remove poultry without getting inside the tanks or vats.

(h) *Rooms in which ready-to-cook poultry is prepared and packaged.*—(1) *General.* Ceilings and walls shall have a tiled, enameled, or other smooth surface impervious to moisture; and the floors shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(2) *Equipment and facilities.* (i) Conveyors used in the preparation of ready-to-cook poultry shall be of metal and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(ii) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and, if inspection service is performed, will permit adequate inspection for condition and wholesomeness.

(iii) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil or dirt to accumulate on the drop chain or shackle which shall be of non-corrosive metal.

(iv) When synchronized overhead conveyors and tray conveyors are used, the

trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(v) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless construction; and such trays shall be completely washed and sanitized after each use.

(vi) When individual trays are not used during eviscerating operations, each carcass shall be suspended by both legs and head.

(vii) Mechanized packaging equipment shall be maintained in good sanitary condition.

(viii) Non-metallic belt-type conveyors used in moving packaged edible products shall be of waterproof composition and shall be maintained in a sanitary condition.

(ix) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and shall be so constructed and placed to permit thorough cleaning.

(x) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(xi) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of eviscerated or ready-to-cook poultry shall be kept clean and sanitary at all times. Cleaned equipment, and utensils shall be drained on racks and shall not be nested.

(xii) Water spray-washing equipment shall be used for washing carcasses inside and out.

(xiii) Watertight metal receptacles shall be used for entrails and other waste resulting from the preparation of eviscerated poultry; all such offal shall be removed as often as may be necessary to prevent the development of a nuisance.

(xiv) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "Condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(xv) Rooms, compartments, trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such locations as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles and all such rooms and compartments shall be marked conspicuously with the word "Retained" in letters not less than 2 inches high.

(xvi) Drums, cans, tanks, vats, and other receptacles used to hold or transport dressed poultry or eviscerated poultry, shall be kept in a clean and sanitary condition.

(xvii) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during

use, but remain intact when moistened by the product.

(xviii) Graders and inspectors shall require the use of such protective coverings for product as it is distributed from the plant as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to dust, dirt, and insects) considering the means intended to be employed in transporting the product from the plant.

(xix) Immediately after packaging, all ready-to-cook poultry other than that which is ice-packed or shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such poultry is held at not above 36° F. The provisions in paragraph (g) (6) *Ice chilling* and paragraph (g) (9) *Freezing* of this section, shall be applicable to ready-to-cook poultry.

(i) *Refrigerators and freezing rooms.* (1) *Refrigerators.* Adequate refrigeration shall be available for reducing the internal temperatures of all dressed poultry and ready-to-cook poultry produced, prepared and otherwise handled in the plant to 36° F. within 12 hours.

(i) Refrigerators shall have such interior surfaces as are impervious to moisture and permit thorough cleaning; and they shall be free from objectionable odors of any kind, and shall be maintained in a sanitary condition (including, but not being limited to the prevention of drippings from cooler coils onto products)

(ii) Cooling racks shall be made of metal and be readily accessible for thorough washing and cleaning.

(iii) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

(2) *Freezing rooms.* (i) Freezing rooms shall have such interior surfaces as are impervious to moisture and permit thorough cleaning; and they shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from freezer coils onto products)

(ii) Freezing rooms should be adequately equipped to freeze ready-to-cook poultry solid in less than 60 hours. Ready-to-cook poultry should be frozen at temperatures of -10° F. to -40° F. and should be stored at 0° F. or below with temperatures maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation.

(j) *Refuse rooms.* (1) Refuse rooms shall be entirely separated from other rooms in the plant, shall have tight-fitting doors and be properly ventilated.

(2) The rooms shall be provided with a hot-water supply and adequate facilities for washing refuse cans and other equipment in the room; and the rooms, cans, and equipment shall be cleaned after each day's use.

PROPOSED RULE MAKING

(3) Refuse may be moved directly to loading docks only for prompt removal.

(k) *Storage and supply room.* The storage and supply room shall be in good repair, kept dry, and maintained in a sanitary condition. Containers and wrappers stored in such room shall be protected from contamination.

(l) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where dressed poultry or edible products are prepared, processed, handled, and stored.

(m) *Inspector's office.* Furnished office room, including, but not being limited to, light, heat, and janitor service, shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated, and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

REQUIREMENTS FOR HEALTH AND HYGIENE OF PERSONNEL

(n) *Toilet rooms and locker rooms—*

(1) *General.* Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to assure cleanliness of all persons handling products.

(i) No toilet room or locker room shall open directly into any room where poultry products are exposed; and each such room shall be provided with self-closing doors.

(ii) Each toilet room and locker room shall be well ventilated and free from flies; and all equipment in the respective rooms, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(iii) Sufficient self-closing metal containers shall be provided for used towels and other wastes.

(iv) The water supply in all hand washing facilities shall be operated by foot-pedal or knee-control or shall be of a continuous-flow type.

(v) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(vi) Toilet facilities shall be provided according to the following formula:

Persons of same sex:	Toilet bowls required
1 to 15, inc.....	1
16 to 35, inc.....	2
36 to 55, inc.....	3
56 to 80, inc.....	4
For each additional 30 persons in excess of 80.....	1

¹Urinals may be substituted for toilet bowls but only to the extent of 1/3 of the total number of bowls stated.

(o) *Health of personnel.* No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage

shall be permitted in any room or compartment where exposed or unpacked dressed poultry or edible products are prepared, processed, or otherwise handled.

(p) *Cleanliness and hygiene of personnel.* (1) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(2) Hands of employees handling dressed poultry or edible products or

edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(3) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry or edible products, or containers therefor, or edible products handling equipment.

(4) Neither smoking nor chewing tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

TABLES

(q) Table showing types of materials.

Equipment, utensils, and facilities	Type of material							
	Iron	Rubber	Cer- crete	Stain- less steel and Monel metal	Alumi- num	Galvan- ized iron	Copper (tin plated)	Porce- lain or glazed tile
Batteries.....				Λ	Λ	Λ		
Overhead conveyors.....	Λ					Λ		
Conveyor track.....	Λ			Λ		Λ		
Shackle chain.....	Λ			Λ		Λ		
Shackles.....				Λ		Λ		
Blood trough.....			Λ	Λ	Λ	Λ		
Scalding vat.....	Λ			Λ	Λ	Λ		
Mechanical pickers.....	Λ	Λ		Λ	Λ	Λ		
Mechanical scrubber.....	Λ	Λ		Λ	Λ	Λ		
Wax dipping tank.....	Λ			Λ	Λ	Λ		
Trough for catching wax.....	Λ			Λ	Λ	Λ		
Water-spray cooling chamber.....				Λ	Λ	Λ		
Opening trough.....				Λ	Λ	Λ		
Eviscerating pans.....				Λ	Λ	Λ		
Inspection table (those parts which come in contact with product).....				Λ	Λ	Λ		
Eviscerating trough.....				Λ	Λ	Λ		
Framework (of equipment).....	Λ			Λ	Λ	Λ		
Inside and outside washer.....		Λ			Λ			Λ
Gizzard, heart, and liver trimming tables.....				Λ	Λ			
Defrosting trucks.....				Λ	Λ	Λ		
Defrosting tanks.....			Λ	Λ		Λ		Λ
Cooling racks.....				Λ	Λ	Λ		
Tanks or vats and other equipment used for cooling products.....			Λ	Λ	Λ	Λ		
Above-the-floor grease traps.....				Λ	Λ	Λ		
Utensils for handling edible products.....				Λ	Λ	Λ		
Boning and cooling tables, cutting surfaces.....				Λ	Λ	Λ		
Cooking kettles.....	Λ			Λ	Λ	Λ	Λ	

Key: A—Acceptable.

m. The heading and provisions in § 70.17 *Minimum sanitary facilities required* shall read as follows:

§ 70.17 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in § 70.16 of the regulations; and such amended provisions shall be applicable to official plants.

n. The provisions in § 70.32 shall contain a new paragraph (d) as follows:

(d) *Issuance and disposition of dressed poultry and dressed domestic rabbit condition certificates.* (1) Upon the request of an interested party, any inspector is authorized to issue a dressed poultry condition certificate or a dressed domestic rabbit condition certificate with respect to any dressed poultry or dressed domestic rabbits which he has inspected for condition.

(2) The original of each such inspection certificate, and not to exceed two copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him.

Another copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and one copy shall be forwarded to the Administrator. The latter two copies shall be retained until otherwise ordered by the Administrator.

o. The first sentence in § 70.37 shall read as follows: "Grading service with respect to ready-to-cook poultry and ready-to-cook domestic rabbits (whether or not the dressed poultry or dressed domestic rabbits, as the case may be, from which produced were previously inspected in an official plant) shall be performed after evisceration but prior to the disjuncting or cutting up of the respective carcass and shall be on the basis of an examination, pursuant to the regulations in this part, of each such carcass."

(Pub. Law 148, 81st Cong., 1st sess., approved June 29, 1949)

Issued at Washington, D. C., this 3d day of October 1949.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 49-8063; Filed, Oct. 5, 1949; 8:53 a. m.]

[7 CFR, Part 998]

[AO-206]

HANDLING OF IRISH POTATOES GROWN IN
NEW JERSEYNOTICE OF HEARING WITH RESPECT TO
PROPOSED MARKETING AGREEMENT AND
ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1 et seq., 13 F. R. 8585) notice is hereby given of a public hearing to be held in the Hightstown Grange Hall, Hightstown, New Jersey, beginning at 9:30 a. m., e. s. t., October 24, 1949, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the State of New Jersey. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth.

Growers and shippers in the State of New Jersey, as represented by the Potato Industry Committee of the New Jersey State Potato Association, drafted and requested a hearing on the following proposed marketing agreement and order regulating the handling of potatoes in the proposed production area.

§ 998.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 202, 707)

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of New Jersey.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of New Jersey.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect any such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on January 1 of each year and ending December 31 following.

(j) "Committee" means the administrative committee, called the New Jersey Potato Committee, established pursuant to § 998.2.

(k) "District" means, describes, and refers to each of the geographic divisions of the production area hereby established as follows:

District No. 1—Burlington, Mercer, Middlesex, Monmouth and Ocean Counties;

District No. 2—Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties;

District No. 3—All the remaining counties in the State of New Jersey.

(l) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(m) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of New Jersey or other seed certification agencies which the Secretary may recognize.

(n) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(o) "Washed potatoes" means and includes all potatoes that are subjected to a washing process for the purpose of removing soil and other extraneous material from the surface of the potato when such washing process is performed as an integral part of the preparation of potatoes for market.

(p) "Unwashed potatoes" means and includes all potatoes other than "washed potatoes."

(q) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(r) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(s) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161) or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (12 F. R. 7231) or amendments thereto, or modifications thereof, or variations based thereon; and

(3) New Jersey Standards for White Potatoes as issued by the New Jersey Department of Agriculture or amendments thereto, or modifications thereof, or variations based thereon.

(t) "Export" means shipment of potatoes beyond the boundaries of continental United States which means the area commonly recognized as comprising the 48 States. Island possessions

other than those belonging to the individual States are not included.

§ 998.2 *Administrative Committee—*(a) *Establishment and membership.*

(1) The New Jersey Potato Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of New Jersey or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of New Jersey.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of January and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select five producer members of the committee, with their respective alternates, from District No. 1, two producer members, with their respective alternates, from District No. 2; and, one producer member, with his respective alternate, from District No. 3, as defined in § 998.1 (i) which members and alternates shall represent the respective district from which they are selected: *Provided*, That no county within a district shall have more than two producer members, with their respective alternates, to represent their respective district.

The Secretary shall select four handlers members of the committee, with their respective alternates, from the production area at large.

(d) *Nomination.* The Secretary may select the members of the New Jersey Potato Committee, with their respective alternates, from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The New Jersey Potato Committee shall hold or cause to be held prior to November 1 of each year, after the effective date hereof, a meeting or meet-

ings of producers in each of the districts designated in § 998.1 (k) and a meeting or meetings of handlers in the production area;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further* That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified in paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the

basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(j) *Expenses and compensation.* Committee members or their respective alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) At the beginning of each fiscal year, to meet and organize, select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or handler;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to prepare a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 998.3 Expenses and assessments—

(a) *Budget.* (1) The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

(2) The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions hereunder and for such other purposes as may be appropriate pursuant to the provisions hereof.

(3) The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate recommended by the committee and fixed by the Secretary. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

(4) Upon recommendation of the committee and upon a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

(b) *Accounting.* (1) If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment

thereof, in which event such proportionate refund shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(c) *Funds.* (1) All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(i) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(ii) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

(2) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 998.4 *Regulation*—(a) *Committee recommendations*—(1) *Development procedure.* In developing its marketing policy and making recommendations for regulation, as hereinafter provided, the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas and as manifested by supplies enroute and on track at the principal markets;

(iii) Supply of potatoes, by grade, size, and quality, in the State of New Jersey and in other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon. The committee shall notify producers and handlers of the contents of such reports.

(3) *Recommendations for regulation.* The committee shall recommend regulation to the Secretary, in accordance with any or all of the methods provided herein, whenever it finds, on the basis of the foregoing investigation, that supply and demand conditions for potatoes make

such regulation advisable. The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in paragraph (b) (2) of this section.

(b) *Issuance of regulations.* (1) The Secretary shall limit the shipment of potatoes in accordance with any of the methods hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of potatoes during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock or seed potatoes, for washed or unwashed potatoes, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(iv) To prohibit the loading of potatoes grown in the production area.

(2) Upon the basis of the recommendations and information submitted by the committee, the Secretary shall modify, suspend, or terminate regulations issued pursuant to § 998.3 or subparagraph (1) of this paragraph, or both, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(i) For grading or storing;

(ii) For seed;

(iii) For export;

(iv) For distribution by the Federal government;

(v) For distribution by relief agencies or for consumption by charitable agencies;

(vi) For manufacture or conversion into specified products;

(vii) For livestock feed; and

(viii) For other purposes which may be specified.

(3) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to § 998.3 and this section.

(4) The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination of regulations pursuant to this section. The committee shall give reasonable notice thereof to handlers.

(c) *Safeguards.* (1) The committee, with approval of the Secretary, may prescribe (i) adequate safeguards to prevent shipments pursuant to paragraph (b) (2) of this section from entering channels of trade for other than the specific purpose authorized therefor, and (ii) rules governing the issuance and the contents of Certificates of Privilege

if such certificates are prescribed as safeguards by the committee.

(2) Safeguards, as prescribed herein, may include requirements that:

(i) Handlers shall file applications with the committee to ship potatoes pursuant to paragraph (b) (2) of this section;

(ii) Handlers shall obtain inspection provided by § 998.5 or pay the pro rata share of expenses provided by § 998.3, or both, in connection with potato shipments effected under the provisions of paragraph (b) (2) of this section: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(iii) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of paragraph (b) (2) of this section.

(3) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in paragraph (b) (2) of this section were handled contrary to the provisions hereof.

(4) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(5) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

§ 998.5 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of § 998.3 or § 998.4, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate. Each such handler shall make arrangements with the inspecting agency for forwarding promptly to the committee a copy of such inspection certificate: *Provided, however*, That (a) each handler making shipments of potatoes during such period shall, prior to making such shipment, determine if such shipment has been inspected and if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determination shall have such potatoes inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (b) each handler who first ships potatoes after such potatoes are regraded, resorted, repacked, or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided herein.

§ 998.6 *Exemptions.* (a) The committee may adopt, with approval of the Secretary, the procedures pursuant to

which certificates of exemption will be issued to producers or handlers.

(b) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee:

(1) That by reason of a regulation issued pursuant to § 998.4 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(c) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 998.4 he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(d) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(e) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(f) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 998.7 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 998.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 998.9 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 998.10 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers, who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before November 30 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(5) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year: but such

termination shall be effective only if announced on or before November 30 of the then current fiscal year.¹

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 998.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder or (b) release or extinguish any violation hereof or of any regulations issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 998.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 998.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 998.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in

¹ Applicable only to the proposed marketing agreement.

the premises whenever such action is deemed advisable.

§ 998.15 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 998.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 998.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

§ 998.18 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 998.19 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.²

§ 998.20 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.³

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or may be there inspected.

Issued at Washington, D. C., this 3d day of October 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-8052; Filed, Oct. 5, 1949;
8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 33, 34, and 35]

FLIGHT RADIO OPERATOR, FLIGHT NAVIGATOR, AND FLIGHT ENGINEER CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of

Safety Regulation, notice is hereby given that the Bureau will propose to the Board revisions of Parts 33, 34, and 35 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 30 days from the date of this publication will be considered by the Board before taking further action on the proposed rules.

The basic purpose of the proposed revisions of Parts 33, 34, and 35 is to clarify the requirements for issuance of flight radio operator, flight navigator, and flight engineer certificates in the light of the standards established by Annex 1 to the Convention on International Civil Aviation. A few substantive changes which are discussed below have been made in the parts, and the general operating rules applicable to all individuals acting in a particular airman capacity have been included in them; it is intended, upon adoption of these revised parts, that these provisions be deleted from any other part in which they now appear.

Proposed Part 33 requires an ITC license as a prerequisite for a flight radio operator certificate instead of an FCC license. This will permit a foreign national who currently cannot obtain an FCC license to obtain a flight radio operator certificate. This will enable certain foreign nations to forego establishing national licensing requirements for flight radio operators in order to comply with the requirements of the Convention on International Civil Aviation.

Proposed Part 34 provides that of the 200 hours of flight navigation experience required for obtaining a flight navigator certificate, 50 hours shall have been at night.

Part 35, as proposed, eliminates the present alternate requirement that an applicant be a graduate of at least a 2-year specialized aeronautical training course. The proposal requires at least 5 hours of training in flight in the duties of a flight engineer for those applicants having 3 years of diversified practical experience in the maintenance and repair of aircraft and aircraft engines.

It will be noted that the parts provide for the checking of competency by an authorized representative of the Administrator who may be a check flight radio operator, flight navigator, or flight engineer, as the case may be, as an alternative for specified recent experience. This is consistent with the general administration of pilot competency requirements.

Proposed Parts 33, 34, and 35 are appended hereto.

These revisions are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610; 52 Stat. 934, 1007-1012; 62 Stat. 1216; 49 U. S. C. 425 (a), 551-560)

Dated: October 5, 1949 at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

§ 33.0 *Applicability of this part.* This part establishes certification and general operating rules for flight radio operators.

§ 33.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Flight radio operator.* A flight radio operator shall mean an individual who performs the primary duty of radio communication over any route or route segment of a flight.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

CERTIFICATION RULES

§ 33.5 *Application for certificate.* Application for certificates shall be made on a form and in a manner prescribed by the Administrator.

§ 33.6 *Issuance.* (a) A flight radio operator certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) The Administrator may issue a temporary flight radio operator certificate to an applicant who meets the requirements of this part.

§ 33.7 *Duration.* (a) A flight radio operator certificate shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

(b) A temporary flight radio operator certificate shall remain in effect for a 90-day period.

§ 33.8 *Exchange of certificates.* All flight radio operator certificates issued prior to the effective date of the revision of this part shall expire on January 1, 1951. Each certificate holder shall on or before that date surrender his certificate to the Administrator who shall issue a new certificate to an individual who meets the requirements of this part.

§ 33.9 *Display.* A flight radio operator shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

§ 33.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight radio operator, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 33.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants

or has undertaken to grant reciprocal flight radio operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 33.22 *Age.* An applicant shall be at least 18 years of age.

§ 33.23 *Education.* An applicant shall be able to read, write, and understand the English language and speak the same without any accent or impediment of speech that would interfere with two-way radio conversation.

§ 33.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 33.25 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a sworn statement by a person authorized to give instruction in the subject or subjects in which reexamination is desired that the applicant has received an additional 5 hours of instruction in the failed portion of the examination or test and is considered competent to pass the examination or test.

§ 33.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for a flight radio operator certificate.

§ 33.27 *Physical standards.* An applicant shall present evidence that he has met the physical standards of the third class prescribed in Part 29 of the Civil Air Regulations within the 12 months immediately preceding the date of application.

QUALIFICATIONS FOR A CERTIFICATE

§ 33.31 *Experience.* (a) An applicant shall hold a radiotelegraph operator license of second class, or higher, meeting the standards prescribed for such license by the International Telecommunications Convention;¹ and (b) shall have had at least 12 months of satisfactory experience as a radio operator in aircraft, maritime, or ground stations, commercial or military including at least four months of experience as a radiotelegraph operator; and shall have had at least 50 hours of experience in the operation of aircraft radio during flight, or (c) within 90 days immediately preceding application shall have completed a course of instruction which the Administrator approves as adequate for the training of a flight radio operator.

¹ To serve on an aircraft of United States registry with a radio station licensed by the Federal Communications Commission, an individual must hold, in addition to his airman certificate, the appropriate radio operator's license issued by the Federal Communications Commission.

§ 33.32 *Knowledge.* (a) An applicant shall satisfactorily accomplish a written examination² on the following subjects:

(1) The provisions of the Civil Air Regulations applicable to the duties of a flight radio operator.

(2) Aircraft radio equipment, domestic and foreign;

(3) Radio navigation of aircraft;

(4) Aircraft radio operating procedures, domestic and foreign.

§ 33.33 *Skill.* (a) An applicant shall satisfactorily accomplish a practical flight examination on the inspection, operation, adjustment, and routine repair of aircraft radio communications (telegraphy and telephony) and radio navigational equipment; and (b) shall demonstrate his ability to send and receive international Morse code at a speed of 20 words per minute code groups, and 25 words per minute plain language.³

OPERATING RULES

§ 33.41 *Certificate required.* No individual shall serve as a flight radio operator in air commerce on an aircraft of United States registry without, or in violation of, the terms of a certificate issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 33.42 *Medical certificate.* No individual shall exercise the privileges of a flight radio operator certificate unless he

² The subjects included under the knowledge requirement are those subjects on which an applicant will be required to satisfactorily accomplish a written examination. These subjects are over and above the minimum requirements for the issuance of a radiotelegraph operator license of second class as set forth by the International Telecommunications Convention. In the event that the Federal Communications Commission issues a license to radiotelegraph operators of second class or higher for specified service in aircraft which includes examinations adequately covering any of the above-mentioned subjects, the Civil Aeronautics Administration will accept such examination in lieu of examination required under this section. For example, if a Federal Communications Commission examination adequately covers the subject of aircraft radio operating procedures, then the applicant for the flight radio operator airman certificate will not be required to take an examination on this subject to obtain this airman certificate.

³ This speed requirement in sending and receiving international Morse code is higher than the minimum International Telecommunications Convention requirements for a radiotelegraph operator license of second class. An applicant who holds a second class radiotelegraph operator certificate will be required to demonstrate his ability to meet this speed requirement or furnish satisfactory evidence that he does meet this requirement.

Satisfactory evidence that an applicant meets the speed requirement shall be the possession of a radiotelegraph operator license, first class, issued under the minimum standards as prescribed by the International Telecommunications Convention.

In the event that the FCC requires an applicant for a radiotelegraph operator license of second class for aircraft operation to meet this speed requirement, such license will be acceptable to the Civil Aeronautics Administration in lieu of a practical demonstration of his ability.

has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 33.43 *Operation during physical deficiency.* No flight radio operator shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 33.44 *Recent experience.* (a) No individual shall perform, or be assigned to perform, the duties of a flight radio operator unless within the preceding 12 months he has had at least fifty hours of satisfactory experience as a flight radio operator, or until (b) an authorized representative of the Administrator has checked the individual and has determined that he is familiar with all current radio information pertaining to the routes to be flown and competent with respect to the operating procedures and radio equipment to be used.

PART 34—FLIGHT NAVIGATOR CERTIFICATES

§ 34.0 *Applicability of this part.* This part establishes certification and general operating rules for flight navigators.

§ 34.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Flight navigator.* A flight navigator shall mean an individual who performs the primary duty of navigation over any route or route segment of a flight.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(3) *Pilot in command.* Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft.

CERTIFICATION RULES

§ 34.5 *Application for certificate.* Application for certificates and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 34.6 *Issuance.* (a) A flight navigator certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) The Administrator may issue a temporary flight navigator certificate to an applicant who meets the requirements of this part.

§ 34.7 *Duration.* (a) A flight navigator certificate shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

(b) A temporary flight navigator certificate shall remain in effect for a 90-day period.

§ 34.8 *Exchange of certificates.* All flight navigator certificates issued prior to the effective date of the revision of this part shall expire on January 1, 1951. Each certificate holder shall on or before that date surrender his certificate to the Administrator who shall issue a new certificate to an individual who meets the requirements of this part.

§ 34.9 *Display.* A flight navigator shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

§ 34.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight navigator, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 34.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal flight navigator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 34.22 *Age.* An applicant shall be at least 21 years of age.

§ 34.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language.

§ 34.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70%. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 34.25 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a sworn statement by a person authorized to give instruction in the subject or subjects in which reexamination is desired that the applicant has received an additional 5 hours of instruction in the failed portion of the examination or test and is considered competent to pass the examination or test.

§ 34.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for a flight navigator certificate.

§ 34.27 *Physical standards.* An applicant shall present evidence that he has met the physical standards of the second class prescribed in Part 29 of the Civil Air Regulations within the 12 months immediately preceding the date of application.

QUALIFICATIONS FOR A CERTIFICATE

§ 34.31 *Experience.* (a) An applicant shall, within 90 days immediately preceding application, have completed a course of ground and flight instruction which the Administrator approves as adequate for the training of a flight navigator; or

(b) An applicant shall have had at least 200 hours of satisfactory flight navigation, including celestial, radio, and other specialized means of navigation, of which at least 50 hours shall have been at night; or

(c) An applicant who meets the requirements of subparagraphs (1) or (2) of this paragraph shall have had at least 100 hours of satisfactory flight navigation as set forth in paragraph (b) of this section, of which at least 50 hours shall have been at night.

(1) An applicant shall have logged at least 500 hours as pilot in command on nonstop flights exceeding 300 miles in length, of which at least 100 hours shall have been at night, or

(2) An applicant shall hold a certificate of competency as master or mate of an ocean-going vessel and shall have served in that capacity or as a navigator of such a vessel for at least one year.

§ 34.32 *Knowledge.* (a) An applicant shall satisfactorily accomplish a written examination on the following subjects:

(1) The provisions of the Civil Air Regulations applicable to the duties of a flight navigator;

(2) The fundamentals of flight navigation, including flight planning and cruise control;

(3) Practical meteorology, including the analysis of weather maps, weather reports, and weather forecasts; weather sequence abbreviations, codes, symbols, and nomenclature;

(4) Types of air navigation facilities and procedures in general use;

(5) The calibration and use of instruments used in air navigation;

(6) Navigation by dead reckoning;

(7) Celestial navigation;

(8) Radio and other specialized means of navigation;

(9) Pilotage and map reading.

§ 34.33 *Skill.* (a) An applicant shall satisfactorily accomplish a practical examination in the operation of flight navigational equipment;

(b) Shall demonstrate his ability to receive, aurally, international Morse code letter and numeral signals in groups of 5 characters each at a minimum rate of 8 groups per minute; and

(c) Shall satisfactorily accomplish in flight by day and by night practical tests in air navigation including:

(1) Pilotage and dead reckoning;

(2) Celestial navigation; and

(3) Radio and other specialized means of navigation.

OPERATING RULES

§ 34.41 *Certificate required.* No individual shall serve as a flight navigator in air commerce on an aircraft of United States registry without, or in violation of, the terms of a certificate issued in accordance with the provisions of this

part. He shall have his certificate in his personal possession when performing his duties.

§ 34.42 *Medical certificate.* No individual shall exercise the privileges of a flight navigator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 34.43 *Operation during physical deficiency.* No flight navigator shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirement prescribed for the issuance of his currently effective medical certificate.

§ 34.44 *Recent experience.* (a) No individual shall be assigned to nor perform the duties of a flight navigator unless within the preceding 12 months he has had at least 50 hours of experience as a flight navigator, or until (b) an authorized representative of the Administrator has checked the individual and has determined that he is familiar with all current navigational information pertaining to the routes to be flown and competent with respect to the operating procedures and navigational equipment to be used.

PART 35—FLIGHT ENGINEER CERTIFICATES

§ 35.0 *Applicability of this part.* This part establishes certification and general operating rules for flight engineers.

§ 35.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Flight engineer.* A flight engineer shall mean an individual who assists the pilots in the mechanical operation of an aircraft in flight.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(3) *Pilot in command.* Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft.

CERTIFICATION RULES

§ 35.5 *Application for certificate.* Application for certificates shall be made on a form and in a manner prescribed by the Administrator.

§ 35.6 *Issuance.* (a) A flight engineer certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) The Administrator may issue a temporary flight engineer certificate to an applicant who meets the requirements of this part.

§ 35.7 *Duration.* (a) A flight engineer certificate shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the

Board, after which it shall be returned to the Administrator.

(b) A temporary flight engineer certificate shall remain in effect for a 90-day period.

§ 35.8 *Exchange of certificates.* All flight engineer certificates issued prior to the effective date of the revision of this part shall expire on January 1, 1951. Each certificate holder shall on or before that date surrender his certificate to the Administrator who shall issue a new certificate to an individual who meets the requirements of this part.

§ 35.9 *Display.* A flight engineer shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or any State or local law enforcement officer.

§ 35.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight engineer, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 35.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal flight engineer privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 35.22 *Age.* An applicant shall be at least 21 years of age.

§ 35.23 *Education.* An applicant shall be able to read, write, speak, and understand the English language.

§ 35.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70%. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 35.25 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a sworn statement by a person authorized to give instruction in the subject or subjects in which reexamination is desired that the applicant has received an additional 5 hours of instruction in the failed portion of the examination or test and is considered competent to pass the examination or test.

§ 35.26 *Substantiation of experience.* An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for a flight engineer certificate.

§ 35.27 *Physical standards.* An applicant shall present evidence that he has met the physical standards of the

second class prescribed in Part 29 of the Civil Air Regulations within the 12 months immediately preceding the date of application.

QUALIFICATIONS FOR A CERTIFICATE

§ 35.31 *Experience.* (a) An applicant shall have had at least 3 years of diversified practical experience in the maintenance and repair of aircraft and aircraft powerplants, of which at least 1 year shall have been on multiengine aircraft powered with engines of at least 1,600 horsepower each; and at least 5 hours of training in flight in the duties of a flight engineer; or

(b) At least 100 hours of flight experience as a flight engineer; or

(c) At least 200 hours as pilot in command on an aircraft having 4 or more engines; or

(d) Within 90 days immediately preceding application have completed a course of ground and flight instruction which the Administrator approves as adequate for the training of a flight engineer.

§ 35.32 *Knowledge.* (a) An applicant shall satisfactorily accomplish a written examination on the following subjects:

(1) The provisions of the Civil Air Regulations applicable to the duties of a flight engineer,

(2) The theory of flight and elementary aerodynamics,

(3) Mathematical computations of powerplant operation and fuel consumption, including basic meteorology with respect to powerplant operations.

(b) An applicant shall pass a written examination on the following subjects with respect to any aircraft of his selection, manufactured in the United States, having four or more engines and certificated in the transport category or which includes a flight engineer station:

(1) Aircraft loading and center of gravity computations;

(2) General aircraft maintenance and operating procedures;

(3) Methods of effecting minor repairs, replacements, and adjustments while the aircraft is in flight.

(c) An applicant may obtain a limited certificate as set forth in subparagraph (1) of this paragraph upon compliance with all of the requirements of this part except paragraph (b) of this section.

(1) An applicant may select an aircraft with less than four engines for the examination required by paragraph (b) of this section: *Provided*, That the aircraft includes a flight engineer station. The certificate issued to an applicant qualifying under this paragraph shall contain an appropriate limitation which may be removed at such time as the holder thereof meets the requirements of paragraph (b) of this section.

§ 35.33 *Skill.* An applicant shall satisfactorily accomplish in flight a practical test in the duties of a flight engineer on an aircraft of the type selected for his written examination, and shall demonstrate his competency in the performance of normal and emergency duties and procedures relating to the aircraft, aircraft powerplants, propellers, and appliances, and in the recognition of the

malfunctioning of aircraft, aircraft powerplants, propellers, and appliances, and the taking of appropriate action thereon.

OPERATING RULES

§ 35.41 *Certificate required.* No individual shall serve as a flight engineer in air commerce on an aircraft of United States registry without, or in violation of, the terms of a certificate issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 35.42 *Medical certificate.* No individual shall exercise the privileges of a flight engineer certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 35.43 *Operation during physical deficiency.* No flight engineer shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 35.44 *Recent experience.* (a) No individual shall be assigned to nor perform the duties of a flight engineer unless within the preceding 6 months he has had at least 25 hours of experience as a flight engineer on the type of aircraft on which he is to serve, or until (b) an authorized representative of the Administrator has checked the individual and has determined that he is familiar with all current information and operating procedures relating to the type of aircraft on which he is to be assigned and competent to perform the duties normally assigned to a flight engineer on such aircraft.

§ 35.45 *Repairs in flight.* A certificated flight engineer may effect minor repairs, replace parts, and make necessary mechanical adjustments in flight: *Provided*, That nothing contained in this section shall be construed as limiting the privileges of a holder of a mechanic certificate with aircraft and aircraft engine mechanic ratings.

[F. R. Doc. 49-8051; Filed, Oct. 8, 1940; 8:52 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 155]

SEA FOOD INSPECTION

LABELING REQUIREMENTS

Notice is hereby given that the Federal Security Administrator, in accordance with the provisions of section 702A of the Federal Food, Drug, and Cosmetic Act (49 Stat. 871, 52 Stat. 1040; 21 U. S. C. 372a) and of section 4 of the Administrative Procedure Act (60 Stat. 238, 239; 5 U. S. C. 1003) hereby affords an opportunity to all interested parties to submit

their views in writing to the Federal Security Administrator, Federal Security Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., within a period of 30 (thirty) days from the date of publication of this notice in the FEDERAL REGISTER, upon the Administrator's proposals to amend the regulations for the inspection of canned shrimp and canned oysters published in the FEDERAL REGISTER of November 10, 1948 (13 F. R. 6623) as follows:

1. It is proposed to amend paragraphs (a) and (c) of § 155.10, as set forth below, and to add a new paragraph, numbered (d) to that section:

§ 155.10 *Labeling.* (a) Labels on canned shrimp packed and certified under §§ 155.0 to 155.13 may bear the mark "Production Supervised by U. S. Food and Drug Administration," with or without the official establishment number. Such mark if used shall be plainly and conspicuously displayed in type of uniform size and style on a strongly contrasting uniform background; and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(c) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (b) of this section and bearing the mark "Production Supervised by U. S. Food and Drug Administration," and no labeling simulating any such approved labeling, shall be used after such approval on canned shrimp other than that which has been handled, prepared, and packed in compliance with all provisions of §§ 155.0 to 155.13; but this section shall not apply to any packer's labeling after termination of inspection as authorized by § 155.13, or to any distributor's labeling after 3 months' written notice by the owner thereof to the Administration that the use of such labeling on inspected canned shrimp has been discontinued and will not be resumed.

(d) Canned-shrimp labeling authorized by or approved under paragraph (a) or (b) of this section shall be used only as authorized by §§ 155.0 to 155.13. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Federal Food, Drug, and Cosmetic Act, as amended.

2. It is proposed to amend paragraphs (a) and (c) of § 155.40 to read as follows:

§ 155.40 *Labeling.* (a) Labels on canned oysters packed and certified under §§ 155.30 to 155.43 may bear the mark "Production Supervised by the U. S. Food and Drug Administration," with or without the official establishment number. Such mark if used shall be plainly and conspicuously displayed in type of uniform size and style on a background of strongly contrasting color, and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(c) No commercial brand or brand name appearing on any label approved under paragraph (b) of this section and bearing the mark "Production Supervised by U. S. Food and Drug Administration," and no label simulating one so approved, shall be used thereafter on any canned oysters other than those which have been inspected under §§ 155.30 to 155.43: *Provided*, That this paragraph shall not apply to any packer's label after termination of inspection as provided in § 155.43, or to any distributor's label after 3 months' written notice by the owner thereof to the Food and Drug Administration that its use on inspected canned oysters has been discontinued and will not be resumed.

Dated: September 30, 1949.

[SEAL]

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-8019; Filed, Oct. 5, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXTENSIONS OF CREDIT

In the notice of proposed rule making published May 21, 1949, the Commission requested comments relating to possible amendments to its exemptive rules under section 11 (d) (1) of the Securities Exchange Act of 1934. That section generally prohibits any broker-dealer from extending credit on any security that is part of a new issue in whose distribution he participated within the preceding six months as a member of a selling syndicate or group. At that time, the Board of Governors of the Federal Reserve System had just amended its Regulations T and U to provide a special, lower margin for securities purchased through the exercise of rights. The Commission's inquiry was directed primarily toward the question whether, by reason of the Board's action, this Commission should adopt any comparable exemption under section 11 (d) (1) for extensions of credit by firms participating in rights offerings. After considering the problem further in the light of the comments received, the Commission has determined not to adopt the proposal.

The present provisions of paragraph (d) of § 240.11d1-1 (Rule X-11D1-1) now provide an exemption for extensions of credit to original holders of rights, as distinguished from transferees, and this exemption will continue in effect.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 26, 1949.

[F. R. Doc. 49-8933; Filed, Oct. 5, 1949; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 431 AND
SMALL TRACT CLASSIFICATION NO. 14

SEPTEMBER 29, 1949.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372) and Departmental Order No. 2325, of May 24, 1947 (43 CFR 4.275 (56) 12 F. R. 3566) and pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, of July 19, 1948 (43 CFR 50.451 (a) (56) (b) (3) 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409) as

No. 193—3

amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371) is hereby revoked as to the public land hereinafter described in the Anchorage, Alaska, land district, which is hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1933 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites:

JUNEAU—DOUGLAS AREA

A tract of land located on the east shore of Douglas Island, identified as U. S. Survey No. 2540, containing approximately 160 acres.

The land lies within the Juneau elimination from the Tongass National Forest and is approximately three miles from the business district of Juneau, Alaska. An all-weather road runs through the area along the shore of Gastineau Channel and the area is accessible by car at all times of the year. The soil is of gla-

cial origin and supports a heavy growth of vegetation. The climate is typical of the southeastern coastal type, cool summers and mild winters, with very heavy precipitation. The area is not presently served with any public utilities. Commercial, school and church facilities are available in the nearby towns of Douglas and Juneau. Adequate water supply for domestic use can be obtained from hand-dug wells.

This order shall not become effective to change the status of such lands or to permit the leasing thereof under the Small Tract Act of June 1, 1933, cited above, until 10:00 a. m. on November 3, 1949. At that time the lands shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days

from 10:00 a. m. on November 3, 1949, to close of business on January 31, 1950, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2)

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on October 14, 1949, or thereafter, up to and including 10:00 a. m. on November 3, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on February 1, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the Small Tract Act by the general public filed on January 12, 1950, or thereafter, up to and including 10:00 a. m. on February 1, 1950, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having suitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for the land, which shall be filed in the District Land Office, at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938 shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management

authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of \$5.00 for home and cabin sites, payable in advance for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts of approximately five acres, in compact units, in accordance with the classification maps on file in the District Land Office, Anchorage, Alaska.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts, or as shown on the classification maps on file in the District Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county, or municipality, or by any agency thereof. The rights-of-way, in the discretion of the authorized officer of the Bureau of Land Management, may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

All inquiries relating to these lands shall be addressed to the Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 49-8031; Filed, Oct. 5, 1949; 8:48 a. m.]

Office of the Secretary

NEW MEXICO GRAZING DISTRICTS MODIFIED

GRAZING DISTRICT NO. 1, AMENDMENT NO. 1;
GRAZING DISTRICT NO. 7, AMENDMENT NO. 1

Under and pursuant to the authority vested in me by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, the following-described lands are hereby excluded from New Mexico Grazing District No. 7, as heretofore established and modified (Misc. 1788903) and are added to New Mexico Grazing District No. 1, as heretofore established and modified (Misc. 1831005)

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 N., R. 14 W.,
Secs. 1 to 18, incl.,
Tps. 7 to 9 N., incl., R. 14 W.,
T. 10 N., R. 14 W.,
Secs. 13 to 36, incl.;
T. 6 N., R. 15 W.,
Secs. 1 to 18, incl.,
Tps. 7 to 10 N., incl., R. 15 W.,
T. 7 N., R. 16 W.,
T. 8 N., R. 16 W.,
Secs. 1 to 3, incl.,
Secs. 10 to 15, incl.,
Secs. 22 to 27, incl.,
Secs. 34 to 36, incl.,
T. 9 N., R. 16 W.,
Secs. 1 to 4, incl.,
Secs. 9 to 16, incl.,
Secs. 21 to 27, incl.,
Secs. 35 and 36;

T. 10 N., R. 16 W.,
Secs. 1 to 4, incl.,
Secs. 9 to 16, incl.,
Secs. 21 to 28, incl.,
Secs. 33 to 36, incl.

The area described, including both public and non-public lands, aggregate 262,922.52 acres.

The Federal Range Code for Grazing Districts (43 CFR, Part 161) and the Rules for the Administration of New Mexico Grazing District No. 7 approved September 3, 1949, and published in the FEDERAL REGISTER, September 10, 1949, shall continue in force with respect to the above-described lands.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

SEPTEMBER 30, 1949.

[F. R. Doc. 49-8048; Filed, Oct. 5, 1949; 8:52 a. m.]

NEW MEXICO GRAZING DISTRICTS MODIFIED

GRAZING DISTRICT NO. 2, AMENDMENT NO. 1;
GRAZING DISTRICT NO. 7, AMENDMENT NO. 2

Under and pursuant to the authority vested in me by the Act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, the following-described lands are hereby excluded from New Mexico Grazing District No. 7, as heretofore established and modified (Misc. 1788903) and are added to New Mexico Grazing District No. 2, as heretofore established and modified (Misc. 1638236)

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 N., R. 5 W.,
Sec. 1;
Sec. 6, lots 3, 4, 5, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 12;
T. 2 N., R. 6 W.,
Secs. 1 to 6, incl.,
T. 3 N., R. 6 W.,
T. 2 N., R. 7 W.,
Secs. 1 to 6, incl.,
Tps. 3 and 4 N., R. 7 W.

The areas described, including both public and non-public lands, aggregate 78,480.57 acres.

The Federal Range Code for Grazing Districts (43 CFR, Part 161) and the Rules for the Administration of New Mexico Grazing District No. 7, approved September 3, 1949, and published in the FEDERAL REGISTER September 10, 1949, shall continue in force with respect to the above-described lands.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior

SEPTEMBER 30, 1949.

[F. R. Doc. 49-8049; Filed, Oct. 5, 1949; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4104]

AEROLINEAS ARGENTINAS FAMA, FOREIGN
AIR CARRIER PERMIT

NOTICE OF HEARING

In the matter of the application of Aerolíneas Argentinas FAMA pursuant to section 402 of the Civil Aeronautics

Act of 1938, as amended, for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail between Buenos Aires, Argentina and New York, New York, via the intermediate points Sao Paulo, Brazil (or Rio de Janeiro, Brazil), Belem, Brazil, Port of Spain, Trinidad, B. W. I., and Havana, Cuba.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 11, 1949, at 10:00 a. m., e. s. t., in Room 2029, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing and able to perform the proposed transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and Argentina.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before October 11, 1949, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 30, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-8050; Filed, Oct. 5, 1949;
8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List 108]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS

SEPTEMBER 6, 1949.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time of operation	Class	Probable date to commence operation
NEGT-----	Zamora, Mich.	100 kilowatts, 230 w.	Day	II	Jan. 5, 1949
XEON-----	Tuxtla Gutierrez, Chis.	600 kilowatts, 1 kw.	U	III-B	Oct. 1, 1949
New-----	Agua Prieta, Son.	1000 kw. total, 250 w./1 kw-D, (change in power from 1 kw. I, 1,000 kilowatts (delete—see 600 kw amendment).)	U	II	Nov. 1, 1949
NEGT-----	Zamora, Mich.	100 kilowatts, 230 w.	U	IV	Jan. 5, 1949
New-----	Zacapu, Mich.	25 w.	U	III-B	Nov. 15, 1949
XEKF-----	Iguaba, Gro.	100 kilowatts, 250 w./1 kw-D	U		
XEKF-----	Iguaba, Gro.	100 kilowatts (delete—see 1,000 kw amendment.)	U		

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8321; Filed, Oct. 5, 1949; 8:47 a. m.]

[Docket Nos. 7634, 7817, 7862, 7973]

HUNTINGTON BROADCASTING CO. ET AL.

ORDER CONTINUING APPLICATION IN HEARING STATUS FOR SEPARATE HEARING

In re applications of Huntington Broadcasting Company, Huntington Park, California, Docket No. 7634, File No. BP-4822; Coast Radio Broadcasting Corporation, Los Angeles, California, Docket No. 7817, File No. BP-5095; San Gabriel Valley Broadcasting Company, Monrovia, California, Docket No. 7862, File No. BP-5425; for AM construction permits. Pacific Broadcasting Company, Los Angeles, California, Docket No. 7973, File No. BPH-1122; for a Class B FM construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of September 1949;

The Commission having under consideration the above-entitled application of Pacific Broadcasting Company requesting the use of a Class B FM frequency at Los Angeles, California, and the record of the hearing on said application; and

It appearing, that the application was heard in a consolidated proceeding with the mutually exclusive application of Hollywood Community Radio Group (Docket No. 7740) requesting the use of a Class B FM channel at Los Angeles and with the applications of the Hollywood Community Radio Group (Docket No. 7695) and of the other three applications described above requesting the use of the identical AM frequency; and

It further appearing, that the applications of the Hollywood Community Radio Group were dismissed at the request of the applicant by the Commission's order of December 3, 1943; and

It further appearing, that the above described FM application by Pacific Broadcasting Company does not require comparative consideration with the remaining AM applications in this proceeding;

It is therefore ordered, That the application of Pacific Broadcasting Company is severed from the other applications in this comparative proceeding, and is continued in a hearing status to be consid-

ered separately from the three AM applications with which it was heard.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8327; Filed, Oct. 5, 1949;
8:43 a. m.]

[Docket No. 8044]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER CONTINUING HEARING

In the matter of Albuquerque Broadcasting Co. (KOB) Albuquerque, New Mexico, petition of Governor John J. Dempsey, complainant; Docket No. 8044.

The Commission having under consideration the petition of its General Counsel which requests that the hearing in the above-entitled matter, now scheduled for September 26, 1949, be continued to November 28, 1949; and

It appearing, that complainant herein has pending before the Commission a letter requesting the withdrawal of his petition by reason of the illness of the principal owner of the respondent corporation, which, according to complainant, would make proof of the charges difficult if not impossible; and

It appearing further, that the Commission presently has under consideration the determination of whether the aforementioned request of complainant should be granted, and the proceeding terminated, or whether the Commission should undertake to proceed with the hearing in its own behalf in the light of further investigation of the activities of respondent; and

It appearing further, from an examination of the instant petition, that such determinations cannot be made by the Commission prior to the presently scheduled hearing date; and

It appearing further, that the parties to the proceeding have been notified of the petition and have consented to the granting thereof and to a waiver of § 1.745 of the Commission's rules and regulations to permit immediate consideration thereof;

Now, therefore, it is ordered, That 23d day of September 1949, that the instant petition be, and it is hereby, granted, and

that the hearing in the above-entitled matter, be, and it is hereby, continued to November 28, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] JAMES D. CUNNINGHAM,
Hearing Examiner.

[F. R. Doc. 49-8022; Filed, Oct. 5, 1949;
8:47 a. m.]

[Docket Nos. 8208, 8881]

LAKELAND BROADCASTING CORP. AND
JOHN R. TOMER

ORDER CONTINUING HEARING

In re applications of Lakeland Broadcasting Corporation, Wausau, Wisconsin, Docket No. 8208, File No. BP-5877; John R. Tomer, Wausau, Wisconsin, Docket No. 8881, File No. BP-6611; for construction permits.

The Commission having under consideration a motion filed September 22, 1949, by Lakeland Broadcasting Corporation requesting a continuance of the further hearing in the above-entitled proceeding, and;

It appearing that on September 22, 1949, Lakeland Broadcasting Corporation filed a petition to review ruling of examiner and to set aside order of examiner requesting the Commission to review and set aside an order of the examiner dated September 16, 1949, denying a motion for leave to amend the application and a petition to enlarge the issues, and it cannot be ascertained at this time when the Commission will act upon said petition to review and all parties to the proceeding having waived the requirement of the Commission § 1.745;

It is ordered, this the 23d day of September 1949, that the further hearing in the above-entitled proceeding now scheduled to be held on September 29, 1949, at Washington, D. C., be continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8026; Filed, Oct. 5, 1949;
8:48 a. m.]

[Docket Nos. 9123, 9339]

NEW ROCHELLE BROADCASTING SERVICE,
INC., AND SUBURBAN BROADCASTING
CORP.

ORDER CONTINUING HEARING

In re applications of New Rochelle Broadcasting Service, Inc., New Rochelle, New York, Docket No. 9339, File No. BP-7213; Suburban Broadcasting Corporation, New Rochelle, New York, Docket No. 9123, File No. BP-6428; for construction permits.

The Commission having under consideration a petition filed September 19, 1949, by the New Rochelle Broadcasting Service, Inc., New Rochelle, New York, requesting an indefinite continuance of

the hearing in the above matter now set for September 26, 1949; and

It appearing that on September 19, 1949, Suburban Broadcasting Corporation, New Rochelle, New York, filed a petition to have its application dismissed without prejudice; and

It further appearing that on September 19, 1949, New Rochelle Broadcasting Service, Inc., filed a petition requesting leave to amend its application and also requesting a waiver of hearing;

It is ordered, This 21st day of September 1949, that the petition requesting an indefinite continuance is granted, and that the hearing herein be, and it is, hereby, continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] LEO RESNICK,
Hearing Examiner

[F. R. Doc. 49-8023; Filed, Oct. 5, 1949;
8:47 a. m.]

[Docket No. 9362]

INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT ET AL.

ORDER CONTINUING HEARING

In the matter of International Bank for Reconstruction and Development and International Monetary Fund, complainants, v. All America Cables and Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., and the Western Union Telegraph Company, defendants; Docket No. 9362.

At the pre-hearing conference held on September 27, 1949, the parties represented having agreed upon a continuance of the hearing from October 3, 1949 to December 13, 1949;

It is hereby ordered, This 27th day of September 1949, that the hearing be and it is hereby continued to December 13, 1949, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8025; Filed, Oct. 5, 1949;
8:48 a. m.]

[Docket No. 9433]

ALL AMERICA CABLES AND RADIO, INC., ET AL.

ORDER CONTINUING HEARING

In the matter of All America Cables and Radio, Inc., the Commercial Cable Company and Mackay Radio and Telegraph Company, Inc., regulations and practices for and in connection with acceptance and delivery of overseas and foreign telegraph messages; Docket No. 9433.

The Commission having under consideration a motion filed September 21, 1949, by the General Counsel of the Commission in the above-entitled proceeding, for a continuance of the hearing herein, now set for September 26, 1949, to October 25, 1949; and also having under consideration telegrams filed on Septem-

ber 16, 1949, on behalf of the respondent companies and The Western Union Telegraph Company, intervenor, agreeing to a continuance of the hearing;

It is ordered, This 21st day of September 1949, that the hearing in this proceeding is continued to October 25, 1949, at the same time and place heretofore specified.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] FANNY N. LITVIN,
Hearing Examiner

[F. R. Doc. 49-8024; Filed, Oct. 5, 1949;
8:48 a. m.]

[Docket Nos. 9405, 9468, 9469]

KMPC, STATION OF THE STARS, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re applications of KMPC, The Station of the Stars, Inc., Los Angeles, California, Docket No. 9468, File No. BR-18, for renewal of license of Radio Station KMPC, Los Angeles, California. WJR, The Goodwill Station, Inc., Detroit, Michigan, Docket No. 9469, File No. BR-331, for renewal of license of Radio Station WJR, Detroit, Michigan. WGAR Broadcasting Company, Cleveland, Ohio, Docket No. 9405, File No. BR-283, for renewal of license of Radio Station WGAR, Cleveland, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of September 1949:

The Commission having under consideration the above-entitled applications for renewal of licenses of radio stations KMPC, Los Angeles, California, filed August 25, 1949; WJR, Detroit, Michigan, filed August 30, 1949; and WGAR, Cleveland, Ohio, filed March 5, 1948; it appearing,

(1) That on February 28, 1948, the Radio News Club filed with the Commission a complaint alleging that G. A. Richards, officer, director and stockholder of KMPC, The Station of the Stars, Inc., WJR, The Goodwill Station, Inc., and WGAR Broadcasting Company, licensees of Stations KMPC, Los Angeles, California, WJR, Detroit, Michigan, and WGAR, Cleveland, Ohio, respectively, on various occasions issued instructions to members of the news staff and other members of the staff of KMPC, to the effect that news concerning specified individuals, groups and events should be slanted, distorted, suppressed, altered or otherwise treated in a fashion specified by said G. A. Richards in order to promote his private views and interests with respect to public figures and issues of political, social and economic importance; that the complaint further alleged that said G. A. Richards, on at least one occasion, caused the dismissal of a member of the news staff of KMPC because of his failure and refusal to present specified items of news and news comment in a manner prescribed by said G. A. Richards, and designed to reflect the opinions and views of said G. A. Richards; that the complaint further alleged that said G. A. Richards issued instructions direct-

ing that specified editorials from newspapers, selected by himself, should be broadcast over the facilities of KMPC, and that such instructions were given because the editorials selected represented the views of said G. A. Richards; that the complaint was accompanied by letters and other documents which are purported to have been written or otherwise issued by said G. A. Richards, and which purported to substantiate the complaint; and

(2) That G. A. Richards, at all times when such instructions were alleged to have been given, was the president of each of said licensees and is now and has at all such times been controlling stockholder of KMPC, The Station of the Stars, Inc., and WGAR Broadcasting Company, and, together with members of his family, controlling stockholder of WJR, The Goodwill Station, Inc., and

(3) That on March 19, 1948, the Commission authorized and subsequently conducted an investigation of the matters alleged in said complaint with respect to the conduct of said G. A. Richards in relation to each of the said licensees; and

(4) That on August 12, 1948, the Commission furnished said G. A. Richards with a copy of said complaint and copies of documents referred to therein with the request that he submit his sworn statement covering the charges contained in said material; and

(5) That pursuant to said request, on September 13, 1948, G. A. Richards through counsel submitted to the Commission his sworn statement with respect to the matters alleged in the complaint; and

(6) That the foregoing information submitted by the Radio News Club, by the affidavit submitted by G. A. Richards, and additional information obtained during the course of investigations conducted pursuant to the said Commission authorization of March 19, 1948, tending to substantiate the information submitted by Radio News Club, raises substantial questions with respect to the qualifications of the above-mentioned licensees and of G. A. Richards, controlling stockholder thereof; and

It further appearing that in the light of the foregoing the Commission is unable to determine from an examination of the above-entitled applications for renewal of licenses that the applicants have the requisite qualifications for licensees of radio broadcast stations and that public interest, convenience, or necessity would be served by the granting thereof;

It is ordered, That, pursuant to sections 307 (d) and 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications of KMPC, The Station of the Stars, Inc., WJR, The Goodwill Station, and WGAR Broadcasting Company, are hereby designated for hearing at a time and place to be hereafter designated upon the following issues:

1. Whether G. A. Richards has at any time while he was an officer or principal stockholder of the licensees of Stations WGAR, Cleveland, Ohio; KMPC, Los

Angeles, California; and WJR, Detroit, Michigan, issued instructions or directives to officers and employees of said licensees:

(a) To present news broadcast in a manner designed to give a biased or a one-sided presentation of the news;

(b) To broadcast false news concerning particular issues or persons;

(c) To broadcast editorials of daily newspapers as news items and without identification of such editorials as such;

(d) To discriminate in news and other broadcasts in favor of any political causes, groups, or candidates as against the interests of other political causes, groups or candidates.

(e) In any other manner to promote or further the private political, social and economic views and interests of Mr. G. A. Richards;

2. To what extent, if any, officers or employees refused to carry out instructions or directives, if any, of the nature specified in Issue No. 1, and what disciplinary action, if any, was taken or caused to be taken by G. A. Richards against any officers or employees of said licensees who may have refused to carry out such instructions or directives;

3. To what extent, if any, the facilities of said stations, or any of them, have been used to carry out said instructions or directives;

4. To determine the accuracy of representations in respect to any of the matters set forth in the foregoing issues, made in affidavits and pleadings submitted to the Commission by and on behalf of G. A. Richards.

5. In the light of the facts adduced under the foregoing issues to determine the qualifications of KMPC, The Station of the Stars, Inc., WJR, The Goodwill Station, Inc., and WGAR Broadcasting Company, and whether a grant of the said applications would serve the public interest, convenience and necessity

It is further ordered, That the proceedings herein are consolidated with the proceedings in Dockets No. 9402, 9403 and 9404; and

It is further ordered, In view of the inclusion in this order of the issues relating to the application for renewal of license of Station WGAR, that the Commission's Order of July 25, 1949, in Docket No. 9405 (FCC 49-1022) is superseded by the order herein.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-2028; Filed, Oct. 5, 1949;
8:43 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1283]

LONE STAR GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 30, 1949.

Take notice that on September 21, 1949, Lone Star Gas Company (Applicant) a Texas corporation with its principal place of business in Dallas, Texas, filed an application for certificate of

public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell to United Gas Pipe Line Company for resale in interstate commerce, surplus or excess gas which Applicant has available in the Carthage Field, Panola County, Texas, and authorizing Applicant to construct and operate the necessary metering equipment for measuring the gas sold to the United Gas Pipe Line Company.

Applicant states that under the currently effective pro-ration orders of the Railroad Commission of Texas, applicable to the Carthage Field, Applicant is permitted to purchase and use from wells in which it is connected in said fields, more gas than it has been currently marketing. Applicant further states that under the said pro-ration orders United Gas Pipe Line Company has available markets for more gas than it is permitted to purchase and use from wells to which it is connected and that consequently it is necessary for that Company to purchase from other concerns gas needed to supply its markets. Under the terms of the contract between Applicant and United Gas Pipe Line Company, dated August 17, 1949, attached as Exhibit A to the application, Applicant proposes to sell surplus or excess gas which it has available in the Carthage Field.

The application recites the estimated cost of the necessary metering equipment will be approximately \$1,000, which will be defrayed out of Applicant's current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2320; Filed, Oct. 5, 1949;
8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

DELEGATIONS OF AUTHORITY TO FIELD OFFICE
DIRECTORS

Correction

In F. R. Document 49-7956 appearing on page 6050 of the issue for Tuesday, October 4, 1949, the paragraph added should be "9" instead of "6"

OFFICE OF HOUSING EXPEDITER

ORGANIZATION DESCRIPTION INCLUDING
DELEGATIONS OF FINAL AUTHORITY

DELEGATION OF AUTHORITY TO ATTORNEYS

Pursuant to the authority vested in me by section 205, Public Law 81, 81st

Congress, attorneys appointed by the Housing Expediter are hereby authorized to appear for and represent the United States in any case arising under sections 205 or 206 of the Housing and Rent Act of 1947, as amended, and for that purpose to institute, conduct or maintain all civil actions, suits or proceedings, before or after judgment, arising under said sections of said act, and to defend the United States, the Housing Expediter or any officer or employee thereof, in any case arising under said act: *Provided, however* That the foregoing authority shall not apply to any proceedings before the Supreme Court of the United States.

Dated: September 24, 1949.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 49-8030; Filed, Oct. 5, 1949;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1120]

RICHFIELD OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of September A. D. 1949.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Richfield Oil Corporation, a security listed and registered on the New York Stock Exchange, the Los Angeles Stock Exchange and the San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 14, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-8033; Filed, Oct. 5, 1949;
8:49 a. m.]

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING SALE AND TRANSFER OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of September A. D. 1949.

In the matter of The United Light and Railways Company, American Natural Gas Company, et al., File Nos. 59-11, 59-17, 54-25.

The Commission, by order dated April 13, 1949, having granted and permitted to become effective an application-declaration filed by The United Light and Railways Company ("Railways") with respect to the distribution to its common stockholders of its holdings of the common stock of Madison Gas and Electric Company ("Madison") on the basis of one share of Madison stock for each twenty-five shares of Railways' common stock owned and the distribution of cash in lieu of fractional shares, in accordance with the requirements of the amended plan filed by Railways and American Natural Gas Company ("American Natural,"—formerly American Light & Traction Company) pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act") heretofore approved by the Commission's order dated December 30, 1947, which plan, among other things, required Railways to dispose of all shares of Madison common stock received by it through distributions made by American Natural; and

Railways having notified the Commission that distribution of 125,030 shares of common stock of Madison and cash aggregating \$46,160.36 in lieu of fractional shares was made on May 25, 1949, to Railways' common stockholders of record on April 27, 1949; and

The Commission, by a supplemental order dated May 20, 1949, having ordered and recited that the aforesaid distribution of common stock of Madison was necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and

Railways having further notified the Commission that it now proposes to dispose of the remaining 7,961 shares of Madison stock by sale for cash in ordinary broker-dealer transactions in the over-the-counter market, and having requested the Commission to issue a supplemental order, to become effective upon its issuance, with respect to such sale containing appropriate recitals conforming to the requirements of Supplement R and section 1803 (f) of the Internal Revenue Code as amended; and the Commission finding that the standards of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant such request:

It is ordered and recited, That the sale and transfer by The United Light and Railways Company of its holdings of 7,961 shares of common stock of Madison Gas and Electric Company of the par

value of \$16 per share (out of Certificate No. CU-5) are necessary or appropriate to the integration or simplification of the holding company system of which The United Light and Railways Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

It is further ordered, That this order be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-8037; Filed, Oct. 5, 1949;
8:49 a. m.]

[File Nos. 59-32, 70-2170]

ROCHESTER GAS AND ELECTRIC CORP. ET AL. SUPPLEMENTAL ORDER PERMITTING AMENDMENT TO BECOME EFFECTIVE AND PERMITTING TRANSFER, SALE, AND DELIVERY OF CERTAIN STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of September 1949.

In the matter of Rochester Gas and Electric Corporation, General Public Utilities Corporation, Associated Electric Company, File Nos. 70-2170, 59-32.

General Public Utilities Corporation ("GPU") a registered holding company, having filed a post-effective amendment to its declaration, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, with respect to the following transactions:

By orders dated August 25, 1949, and September 8, 1949, this Commission permitted to become effective a declaration with respect to (a) the issue by GPU to its common stockholders of record at the close of business on September 8, 1949, transferable subscription warrants giving the holders thereof until 3 p. m., New York time, on September 30, 1949, the right to subscribe to the common stock of Rochester Gas and Electric Corporation ("Rochester"), and (b) to the sale during the period of such subscription offer in accordance with the terms of GPU's agreement with Dealer Managers, of such number of shares of common stock of Rochester as (i) are not covered by rights issued to stockholders of GPU, and (ii) are covered by rights purchased by GPU or for its account. Pursuant to such orders of the Commission, GPU issued to its stockholders warrants evidencing rights to subscribe to an aggregate of 784,629 shares of Rochester common stock, leaving 50,371 shares not covered by warrants.

GPU believes that some of the warrants referred to above may never be exercised. All shares of Rochester common stock which GPU will hold at the end of the subscription period are hereinafter referred to as "the balance shares" While GPU is presently unable to determine the precise number of shares of Rochester common stock which will constitute the balance shares, since

GPU cannot now determine the extent to which the holders of warrants will fail to exercise their rights, it believes that such number of balance shares will be relatively small.

GPU proposes to enter into a supplementary agreement with the Dealer Managers which will extend the time for the carrying out of the sale of shares of Rochester common stock pursuant thereto until the close of business on October 11, 1949: *Provided, however* That such supplementary agreement shall not extend the time within which shares of Rochester common stock will be sold upon the exercise of subscription warrants. From time to time GPU will advise the Dealer Manager group as to the number of balance shares which it wishes to sell to participating dealers. The price to be paid by participating dealers for shares of stock of Rochester purchased from GPU will be at a price determined by GPU on the day of such purchase, which will not be in excess of the closing quoted asked price of the stock on the preceding business day, plus 25 cents per share, and will not be less than the higher of the closing bid price for the stock on such preceding business day, or the subscription price of \$28.50 per share.

GPU having requested that the Commission find that the carrying out of the proposed sale of the Balance Shares of the Common Stock of Rochester is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the order of the Commission entered herein contain appropriate recitals conforming to the requirements of sections 371-373, inclusive, and 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having examined said post-effective amendment and finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said post-effective amendment be permitted to become effective forthwith, and that the order contain appropriate recitals conforming to the requirements of the Internal Revenue Code, as amended:

It is hereby ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that the post-effective amendment be, and the same hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

It is further ordered and recited, That the transfer, sale and delivery by GPU during the period expiring at the close of business on October 11, 1949 to any person (including the dealer managers and the participating dealers under the terms of the Agreement with Dealer Managers dated August 30, 1949, and the Participating Dealers' Agreement as proposed to be supplemented by a supplemental agreement with the dealer managers) of the shares of Common Stock of Rochester which remain unsold at the expiration of GPU's Subscription Offer, are necessary or appropriate to the integration or simplification of the GPU system, of which GPU and Rochester are

a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-6035; Filed, Oct. 5, 1949;
8:49 a. m.]

[File Nos. 60-11, 70-2029, 70-2211]

GENERAL PUBLIC UTILITIES CORP. ET AL.

ORDER PERMITTING DECLARATION TO
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of September 1949.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company, File Nos. 70-2211, 70-2029, 60-11.

General Public Utilities Corporation ("GPU") a registered holding company, its subsidiary holding company, Associated Electric Company ("Aelec"), and Pennsylvania Electric Company ("Penelec") a subsidiary of Aelec, having filed a joint declaration pursuant to the provisions of sections 6, 7, and 12 of the act and Rules U-42, U-43 and U-45 promulgated thereunder, with respect to the following proposed transactions:

GPU proposes to acquire and subsequently cancel 107,000 shares of GPU common stock owned by Aelec at the net carrying value of such stock reflected on Aelec's books in the amount of \$1,504,402.50, subject to being reduced by an amount equal to the net proceeds which Aelec anticipates receiving from its disposition of the rights to subscribe for common stock of Rochester Gas and Electric Corporation ("Rochester"). The 107,000 shares of GPU common stock thus acquired by GPU will be held by it as treasury stock until an appropriate certificate or reduction of capital can be filed after the obtaining of such approval by stockholders of GPU as may be necessary.

Out of the net proceeds of GPU's sale of common stock of Rochester (estimated at \$24,000,000) and to the extent required, the net proceeds realized by GPU from the sale of the preferred stock of Staten Island Edison Corporation, GPU proposes to purchase from Aelec the 107,000 shares of GPU common stock and to make a cash capital contribution to Aelec in an amount equal to the sum of \$24,000,000 less the purchase price paid by GPU to Aelec for the 107,000 shares of GPU common stock.

Aelec proposes to use the cash contribution to be received from GPU, together with other funds to be obtained as described below, to redeem its outstanding \$32,046,000 principal amount of 5% debentures, due 1961 which are redeemable at 105% of principal plus accrued interest, or an aggregate call price (exclusive of accrued interest) of \$33,648,300.

Aelec has made advances to Penelec in an aggregate amount of \$4,190,000,

each such advance being represented by a non-interest bearing note payable six months from the date of issuance, and Aelec proposes to make further similar advances to Penelec in an additional amount not in excess of \$1,200,000. Penelec proposes to borrow from Mellon National Bank and Trust Company an amount not in excess of \$7,000,000 and use the proceeds thereof in part to repay its then existing indebtedness to Aelec, in part to finance its construction program, and in part for its general corporate purposes; such bank borrowing will be evidenced by a promissory note maturing six months from the date thereof and bearing interest at the rate of 2% per annum. Aelec will apply the amounts thus repaid to it by Penelec towards the redemption of its outstanding debentures.

Aelec will obtain the balance of the funds necessary to effectuate the redemption or provision for the redemption of its outstanding debentures by borrowing an aggregate of \$4,000,000 in equal amounts from Bankers Trust Company, Manufacturers Trust Company, The Marine Midland Trust Company of New York and Mellon National Bank and Trust Company. Such borrowing will be represented by notes maturing one year from the dates thereof and bearing interest at the rate of 2½% per annum. It is intended that Aelec will repay said loan out of funds to be made available to it by GPU, said funds to be realized by GPU by the sale of its investment in Staten Island Edison Corporation or of shares of GPU common stock, if either of such sales is feasible.

Aelec has requested that the restriction on payment by Aelec of dividends on its common stock contained in the Commission's order of December 1, 1941 (File No. 60-11), as modified by its order of March 11, 1949 (File No. 70-2029) be rescinded and terminated, effective upon the redemption or making provision for the redemption of Aelec's outstanding debentures.

Declarants have requested that the Commission find that the proposed purchase by GPU from Aelec of 107,000 shares of GPU common stock for \$1,504,402.50, less an amount equal to the net proceeds received by Aelec from its disposition of the rights to subscribe for common stock of Rochester and the proposed capital contribution by GPU to Aelec of \$24,000,000, less the purchase price to be paid by GPU to Aelec for such 107,000 shares of GPU common stock to be made out of the net proceeds of the sale by GPU of the shares of common stock of Rochester and, to the extent required, out of the unexpended balance of the \$4,000,000 received by GPU out of the proceeds derived from the sale of 40,000 shares of Staten Island Edison Corporation preferred stock pursuant to the orders of the Commission entered in File No. 70-2035, and the sale, transfer, surrender and delivery by Aelec to GPU of 107,000 shares of common stock of GPU are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that the order of the Commission herein entered contain appropriate recitals conforming to the requirements of sections 371 to 373, in-

clusive, and 1808 (f) of the Internal Revenue Code.

Said declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the joint declaration be, and hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the restriction on payment by Aelec of dividends on its common stock contained in the Commission's order of December 1, 1941 (File No. 60-11) as modified by its order of March 11, 1949 (File No. 70-2029) be, and hereby is, rescinded and terminated, effective upon the redemption or making provision for the redemption of Aelec's outstanding debentures.

It is further ordered and recited, That the expenditure and investment by GPU of \$24,000,000 for the purchase from Aelec, and subsequent cancellation thereof, of 107,000 shares of common stock of GPU for \$1,504,402.50, less the proceeds to be received by Aelec from the sale of rights to subscribe for common stock of Rochester as part of the program set forth in File No. 70-2179 and for a cash capital contribution by GPU to Aelec of an amount which, together with such purchase price of such 107,000 shares of GPU common stock, will aggregate \$24,000,000, the funds for said purchase and said capital contribution being derived from the following sources:

(a) From the net proceeds received and to be received from the sale by GPU of 835,000 shares of common stock of Rochester as set forth in the proceedings pending before the Commission (File No. 70-2179)

(b) To the extent that the funds available to GPU from the net proceeds of the aforesaid sale of 835,000 shares of common stock of Rochester, as stated in (a) above, shall be insufficient, from the unexpended balance of the payment of \$4,000,000 received by GPU out of the proceeds derived from the sale of 40,000 shares of Staten Island Edison Corporation preferred stock pursuant to the orders of the Commission entered in File No. 70-2095, after deducting from such \$4,000,000 the amount thereof utilized for the purpose of the capital contributions by GPU to Aelec pursuant to the orders of the Commission entered and to be entered in the proceedings before the Commission in File No. 70-2141.

and the sale, transfer, surrender and delivery by Aelec to GPU of such 107,000

shares of common stock of GPU are necessary or appropriate to the integration or simplification of the GPU system of which GPU and Aelec are a part and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-8034; Filed, Oct. 5, 1949;
8:49 a. m.]

[File No. 70-2061]

CITIES SERVICE CO. AND OHIO PUBLIC
SERVICE CO.

ORDER RELEASING JURISDICTION OVER FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1949.

The Commission having, by orders dated March 15, April 5, and April 12, 1949, granted and permitted to become effective a joint application-declaration, as amended, filed by Cities Service Company ("Cities") a registered holding company, and its subsidiary, The Ohio Public Service Company ("Public Service"), regarding, among other things, the sale by Cities of 638,160 shares of common stock of Public Service and the issue and sale by Public Service of 361,840 additional shares of its common stock and \$10,000,000 principal amount of First Mortgage Bonds pursuant to the competitive bidding requirements of Rule U-50 of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935; and

The Commission having by said orders reserved jurisdiction over the legal fees of Frueauff, Burns, Ruch & Farrell, counsel for the companies; and

The record having been supplemented with respect to the fees of the above named firm, showing therein that Frueauff, Burns, Ruch & Farrell request compensation of \$15,000 for legal services rendered to Public Service and \$20,000 for legal services rendered to Cities; and

The Commission having considered the record and it appearing to the Commission that the fees requested are not unreasonable and that it is appropriate to release jurisdiction with respect thereto:

It is ordered, That jurisdiction heretofore reserved over the fees of Frueauff, Burns, Ruch & Farrell be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-8038; Filed, Oct. 5, 1949;
8:49 a. m.]

[File No. 70-2212]

MILWAUKEE GAS LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 30th day of September A. D. 1949.

Milwaukee Gas Light Company ("Milwaukee") a public utility subsidiary of American Natural Gas Company ("American Natural") a registered holding company, having filed with this Commission an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 (a) (2) promulgated thereunder, with respect to the following proposed transactions:

Milwaukee proposes to enter into a Credit Agreement not later than November 30, 1949 with certain banks herein-after named which will commit such banks to advance to Milwaukee upon demand within 12 months from the date of such Credit Agreement a maximum of \$4,000,000 as follows:

The National City Bank of New York	\$1,100,000
Central Hanover Bank and Trust Co. of New York	1,100,000
Mellon National Bank and Trust Co. of Pittsburgh, Pa.	1,100,000
First Wisconsin National Bank of Milwaukee	700,000

The funds are to be advanced proportionately by the respective banks in aggregate amounts of \$500,000 or multiples thereof, as needed, and it is contemplated that the first advance will be made immediately after the execution of Credit Agreement. Each advance by each bank is to be evidenced by a note bearing interest at 2½% per annum and maturing 18 months from the date of the initial borrowing. The notes may be prepaid at any time without penalty in amounts of \$500,000 or multiples thereof, except that a prepayment penalty of ¼ of 1% per annum shall be paid for the unexpired term of the notes being prepaid if prepayment is made from the proceeds of other bank borrowings. A commitment fee will be paid computed at the rate of 1% per annum on the average daily unused balance of the commitment.

It is stated that the proceeds from the proposed bank loans, together with \$3,000,000 of equity capital to be invested in Milwaukee by American Natural during the latter part of 1949, will be used to finance the conversion of Milwaukee's facilities to natural gas and the company's general construction program through the Spring of 1951. It is stated that the proposed notes will be paid from the proceeds of a contemplated permanent financing program, which will also provide funds for the retirement of the outstanding 4½% bonds, serial notes, and 7% preferred stock, to be undertaken after the conversion to natural gas.

The proposed transactions have been authorized by the Public Service Commission of Wisconsin, the state in which applicant is organized and doing business; and the application, as amended, states that no Commission or regulatory authority other than this Commission and the Public Service Commission of Wisconsin has jurisdiction over the proposed transaction; and

It appearing that the fees and expenses to be incurred and paid in connection with the proposed transactions, estimated at \$8,000, including counsel fee of \$1,800 payable to Miller, Mack and

Fairchild, counsel for applicant, are reasonable if they do not exceed the estimates; and

Said application having been filed on September 6, 1949 and the last amendment thereto having been filed on September 26, 1949 and notice of the filing of said application having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application, as amended, within the period prescribed in the said notice or otherwise, not not having ordered a hearing thereon; and

Milwaukee having requested that the Commission enter an order granting the application, as amended, by September 30, 1949, or as soon thereafter as convenient, and that such order become effective upon its issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said application, as amended, that the requirements of section 6 (b) are satisfied and that there is no basis for imposing terms and conditions, other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and the same hereby is, granted and that this order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-8036; Filed, Oct. 5, 1949;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 13857]

CARL G. HILGENBERG

In re: Trust under Deed of Carl G. Hilgenberg, dated October 25, 1937. File F 28-11397 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Anneliefe Hilgenberg and Johannes Konrad Hilgenberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated October 25, 1937, by and between Carl G. Hilgenberg

No. 193—4

and Mercantile Trust Company of Baltimore, Trustee, Baltimore, Calvert and Redwood Sts., Baltimore 3, Maryland, presently being administered by said Mercantile Trust Company of Baltimore, as Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8043; Filed, Oct. 5, 1949;
8:51 a. m.]

DR. LEONARDO CERINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Leonardo Cerini, Castellanza (Varese), Italy, 6520; 245 shares of \$100 par value common capital stock of R. A. C. E., Incorporated, Madison, Ohio, registered in the name of the Alien Property Custodian, Washington, D. C., represented by Certificate No. 4, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8003; Filed, Oct. 4, 1949;
8:49 a. m.]

BLASCO LANZA D'AJETA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Blasco Lanza d'Ajeta, Florence, Italy; 33346; \$4,662.63 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Blasco Lanza d'Ajeta in and to the principal and income of a trust estate created under the last will and testament of May O. Potter Jones, deceased. The trust estate terminated on June 6, 1947, and the corpus thereof is presently in the custody of the City Bank Farmers Trust Company, trustee, New York, New York.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8001; Filed, Oct. 4, 1949;
8:49 a. m.]

ELIZABETH FISCHER MAYER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elizabeth Fischer Mayer, Jackson Heights, New York; Joseph Fischer, Jackson Heights, New York; Etel Fischer Wieser, Windsheim, Germany, United States Zone; Ilona Fischer Stark, Budapest, Hungary; Anna Fischer Flesch, Budapest, Hungary; 6328; \$235.71 in the Treasury of the United States to each claimant.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8007; Filed, Oct. 4, 1949;
8:49 a. m.]

FRIEDA SOBER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Frieda Sober (also known as Frieda Lober and Freda Lober), and Maria Riva (also known as Miriam River), Roman, Romania, Rasela Pitrau (also known as Rasela Pitrau), Haifa, Israel, Estera David, Jerusalem, Israel, 11874; All right, title, interest and claim of any kind or character whatsoever of Frieda Sober, Estera David, Rasela Pitrau and Maria Riva and each of them in and to the estate of Isidor Solomon, deceased. \$466.28 in the Treasury of the United States to Estera David. \$466.28 in the Treasury of the United States to Frieda Sober. \$466.28 in the Treasury of the United States to Rasela Pitrau. \$466.28 in the Treasury of the United States to Maria Riva.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 49-8008; Filed, Oct. 4, 1949; 8:50 a. m.]

[Return Order 435]

TOSHIJI KANEKO ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been published on August 12, 1949 (14 F. R. 5000)

It is ordered, That the claimed property described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Toshiji Kaneko, P. O. Box 132, Kilaheo, Kauai, T. H.	7041	\$738.38
Yuki Murata or Kiyoyuki Murata, P. O. Box 163, Wailua, Oahu, T. H.	7304	658.93
Sojro Naganuma or Eno Naganuma, deceased, 1020 South Beretania St., Honolulu, T. H.	7305	1,023.66
Sunao Nikaido or Mrs. Tori Nikaido, 964-D Robello Lane, Honolulu, T. H.	7307	2,332.89
Fukuzo Sekiya, P. O. Box 1, Kuniia, Oahu, T. H.	7334	1,230.97
Haru Shino, 1930-B Fort St., Honolulu, T. H.	7337	1,090.92
Mrs. Tono Takeuchi, 604 Kaiwila St., Honolulu, T. H.	7349	300.18
Mrs. Misako Tanaka, 1779 Malanai St., Honolulu 27, T. H.	7356	1,700.90
Masakichi Tanoura, 953 Abana Lane, Honolulu 40, T. H.	7363	203.40
Rihachi Tari, 405-B Kuakini St., Honolulu, T. H.	7364	3,043.17
Sonosuke Uyema, 1732 Kalani St., Honolulu, T. H.	7384	885.07
Yoshiaki Ajimine, P. O. Box 181, Wailanae, Oahu, T. H.	7567	267.99
Rinosuko Kanemoto, ¹ deceased, or Mrs. Haru Kanemoto, 2725 Kasika St., Honolulu, T. H.	7627	783.05
Osamu Kaya, 3711 Wailoa Rd., Honolulu, T. H.	7633	538.61

¹ Kanemoto.

Claimant	Claim No.	Property
Genpei Miyashiro, P. O. Box 34, Kaneohe, Oahu, T. H.	7651	505.75
Sibyl Davis, administratrix of the estate of Wasaku Watase, Judiciary Bldg., Honolulu, T. H.	9138	103.83
Tame Ito or Tetsusuke Ito, deceased, 449 Koula St., Honolulu 13, T. H.	11066	121.20
Kiku Kawaoka, 933-B Robello Lane, Honolulu, T. H.	11078	659.63
Ishima Kusano, Piiponua, Hilo, T. H.	11094	16.13
Sanzo Tashiro, deceased or Ise Tashiro, P. O. Box 21, Lale, Oahu, T. H.	11179	893.35
Chiyo Toyama or Kensuke Toyama, HN 46, Nili Camp 8, P. O. Box 636, Wailua, Oahu, T. H.	11185	760.03
Chiyo Wada, deceased, or Hsachichi Wada, 1042 Kama Lane, Honolulu 51, T. H.	11449	219.75
Shizuko Anami or Niki Iwamoto, deceased, 1613 Pohaku St., Honolulu, T. H.	11481	279.47
Mitsuo Sakata or Fukumatsu Sakata, deceased, 1011 Kalo Lane, Honolulu 36, T. H.	11543	575.81
Kane Osaki or Hatsuyo Osaki, nee Hatsuyo Ohata, Waiaua, Pearl City, T. H.	11837	1,665.42
Hiroe Yamamoto, 1171 South King St., Honolulu, T. H.	11977	19.00
Shigeru Furuya, 2210-M North School St., Honolulu, T. H.	12487	6.82
Misao Tanouye or Tsugi Tanouye, 1022-A Keeaumoku St., Honolulu, T. H.	12488	4,223.00
Takie Okumura or Katsu Okumura, deceased, 1239 South King St., P. O. Box 894, Honolulu 8, T. H.	12507	49.07
Tsukumo Sakata, guardian of Yetsugi Sakata, P. O. Box 171, c/o Hirota Store, Wailua, Oahu, T. H.	12511	252.29
Koharu Kaya, executrix of the estate of Kaichi Kaya, 824 Puuhale Rd., Honolulu, T. H.	13770	1,278.75
Kakuichi Tottori, trustee for Mitsue Tottori, 1617 Republican St., Honolulu, T. H.	13802	1,007.72
Calvin Shigeru Uyeda, 2014 Pahukui St., Honolulu, T. H.	13803	17.04
Tamesuke Yanagihara, guardian of Fumio Yanagihara, deceased, 767 Pohukaina St., Honolulu, T. H.	27508	2,923.70
Minobu Araki, Makawao, Maui, T. H.	27514	7.90
Chuji Fujinaga, 1340 Nuuanu Ave., Honolulu, T. H.	29188	2,810.60
Tenzen Taba, 307-B North School St., Honolulu, T. H.	37293	80.12
Sibyl Davis, administratrix of the estate of Fumiko Yoshimura, Judiciary Bldg., Honolulu, T. H.	29126	53.93
Sibyl Davis, administratrix of the estate of Nao Kunimoto, Judiciary Bldg., Honolulu, T. H.	37242	105.54
Takeichi Shintaku, guardian of Hoshiko Shintaku, or Mrs. Tsuneko Shintaku, guardian of Mieko Shintaku, 2720 Booth Rd., Honolulu, T. H.	40586	118.94
Sibyl Davis, administratrix of the estate of Junzo Ave, deceased, Judiciary Bldg., Honolulu, T. H.	37240	324.61

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 29, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 49-8044; Filed, Oct. 5, 1949; 8:51 a. m.]

[Return Order 437]

HILDA EUGENIE LAOUREUX BILLEN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith, *It is ordered*, That the claimed property, described below and in the determi-

nation, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Hilda Eugenie Laoureux Billen, 1, rue du Football, Gentbrugge, Belgium; Stana Senta Laoureux Vrydagh, 51 rue Paul Lauters, Ixelles, Belgium; Marguerite Eugenie Tasnier Laoureux, 2 rue Georges et Jacques Martin, Waluwe St. Pierre, Belgium; Claim No. 28611; August 9, 1949 (14 F. R. 4917); \$449.58 in the Treasury of the United States in equal shares to each claimant. Property to the extent owned by Jean Nicholas Laoureux immediately prior to the vesting thereof, described in Vesting Order No. 4034 (9 F. R. 13781, November 19, 1944) relating to the musical work entitled "A Practical Method for the Violin, Part II" with a Spanish version entitled "Methoda Practico Para Violin, Part II" (listed in Exhibit A of said vesting order), in equal shares to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 30, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8045; Filed, Oct. 5, 1949; 8:51 a. m.]

[Return Order 442]

HELYONNE GENEVIEVE BARBUSSE ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Helyonne Genevieve Barbusse, 10 rue Albert de Lapparent, Paris, France; Claim No. 37098; August 18, 1949 (14 F. R. 5172); \$73.88 in the Treasury of the United States. Jean Marie Roger Ernest Charles Gauthier, 54 Av. de la Belle Gabrielle, Nogent sur Marne, France; Claim No. 37102; August 18, 1949, (14 F. R. 5172); \$767.54 in the Treasury of the United States. Roger Martin du Gard, 2 Boulevard de Clmies, Grand Palais, Nice, France; Claim No. 30296; August 18, 1949 (14 F. R. 5172); \$860.96 in the Treasury of the United States. Rene Fauchois, 38, rue Caulaincourt, Paris, France; Claim No. 37100; August 18, 1949 (14 F. R. 5172); \$4,630.00 in the Treasury of the United States.

Property to the extent owned by each of the claimants immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to literary works listed under the names of said claimants in Exhibit A of the vesting order.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 30, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8047; Filed, Oct. 5, 1949;
8:51 a. m.]

[Return Order 441]

MARIO AND MARIA CAGNACCI

Having considered the claim set forth below and having issued a determination allowing the claim, which is

incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mario and Maria Cagnacci, Lucca, Italy; Claim No. 6344; August 13, 1949, (14 F. R. 5035); \$1,131.71 in the Treasury of the United States. Real property situated at 112 Maple Avenue in the City of South San Francisco, County of San Mateo, California, described as follows: Lot 14 in Block 123 as

designated on the map entitled "South San Francisco San Mateo Co. Cal. Plat No. 1" which map was filed in the office of the Recorder of the County of San Mateo, State of California on March 1, 1832, in Liber "B" of Maps at page 6 and a copy entered in Liber 2 of Maps at page 52.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 29, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 49-8046; Filed, Oct. 5, 1949;
8:51 a. m.]

